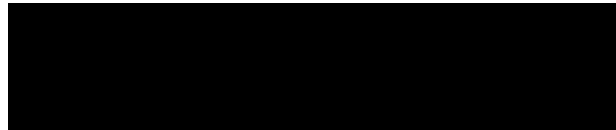


Exhibit 5



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Transcript of



Date: August 27, 2024

Case: Phillips, et al. -v- Rector and Visitors of the University of Virginia, et al.

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Transcript of [REDACTED]
Conducted on August 27, 2024

1 (1 to 4)

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Transcript of [REDACTED]
Conducted on August 27, 2024

2 (5 to 8)

<p>5</p> <p>1 I N D E X</p> <p>2 EXAMINATION OF [REDACTED] BY: PAGE</p> <p>3 MR. DIEHL 7, 274</p> <p>4 MR. KIRSNER 277</p> <p>5</p> <p>6</p> <p>7 E X H I B I T S</p> <p>8 (Attached)</p> <p>9 EXHIBIT 1 PowerPoint 28</p> <p>10 EXHIBIT 2 First Set of Interrogatories 91</p> <p>11 EXHIBIT 3 LinkedIn Profile 121</p> <p>12 EXHIBIT 4 UVA HR Business Partners 140</p> <p>13 EXHIBIT 5 University of Virginia Health</p> <p>14 System Chart 143</p> <p>15 EXHIBIT 6 Exemption Request 145</p> <p>16 EXHIBIT 7 Exemption Request 150</p> <p>17 EXHIBIT 8 Declaration of Karmen Fittes 207</p> <p>18 EXHIBIT 9 UVA Health Required COVID-19</p> <p>19 Vaccination for Team Members 213</p> <p>20 EXHIBIT 10 Exemption Request 220</p> <p>21 EXHIBIT 11 E-mail Chain 224</p> <p>22 EXHIBIT 12 Exemption Request 228</p>	<p>7</p> <p>1 P R O C E E D I N G S</p> <p>2 THE REPORTER: Do you solemnly swear or</p> <p>3 affirm under the penalties of perjury that the</p> <p>4 testimony you shall give will be the truth, the</p> <p>5 whole truth, and nothing but the truth?</p> <p>6 THE WITNESS: I do.</p> <p>7 MS. MCGRAW: Before we move forward, just</p> <p>8 want to reserve objections to the video for</p> <p>9 purposes of trial, and, also, I believe we have an</p> <p>10 agreement that an objection by one defendant is</p> <p>11 good for all and that we don't need to both object</p> <p>12 as long as there's an objection on the record.</p> <p>13 MR. DIEHL: Yes. We agree on that,</p> <p>14 preferably not -- one objection is plenty.</p> <p>15 MS. MCGRAW: You still might get two,</p> <p>16 but</p> <p>17 MR. DIEHL: That's hopeful we don't have</p> <p>18 the same one. So</p> <p>19 EXAMINATION</p> <p>20 BY MR. DIEHL:</p> <p>21 Q So I introduced myself off the record, but</p> <p>22 you understand -- well, my name is -- it's been</p>
<p>6</p> <p>1 E X H I B I T S C O N T I N U E D</p> <p>2 EXHIBIT 13 E-mail 237</p> <p>3 EXHIBIT 14 Exemption Request 237</p> <p>4 EXHIBIT 15 Exemption Request 270</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>	<p>8</p> <p>1 that kind of a morning.</p> <p>2 A I get it.</p> <p>3 Q But my name is Sam Diehl. I'm an attorney</p> <p>4 representing the plaintiffs in a lawsuit against</p> <p>5 the University of Virginia.</p> <p>6 Do you understand that?</p> <p>7 A Yes.</p> <p>8 Q And can you please say and spell your name</p> <p>9 for the record.</p> <p>10 A [REDACTED]</p> <p>11 Q And I'm genuinely, I think, a little hard</p> <p>12 of hearing. If there's any way you can speak up a</p> <p>13 little bit as much as you can. I understand if</p> <p>14 that's difficult, but I don't hear the greatest.</p> <p>15 So have you ever had your deposition taken</p> <p>16 before?</p> <p>17 A I have not.</p> <p>18 Q And, you know, in some ways, it's like a</p> <p>19 conversation. In some ways, it's obviously</p> <p>20 different. There's a court reporter here that's</p> <p>21 writing things down. And so I'll just cover a</p> <p>22 couple of things. You may have spoken with UVA's</p>

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3 (9 to 12)

<p style="text-align: right;">9</p> <p>1 lawyer, but since the court reporter is taking 2 things down, I'll try not -- I'll try to let you 3 finish your answer, and if you could please try to 4 let me finish my question, that would be helpful. 5 Does that make sense? 6 A Yes. 7 Q And you're doing a great job so far, but 8 obviously you need to answer audibly with a "yes" 9 or "no," not an "uh-huh" or "uh-uh." 10 Does that make sense? 11 A Yes. 12 Q You mentioned you weren't feeling well, 13 and I don't want to sort of get into it, but is 14 there any reason your physical or mental condition 15 would make it difficult for you to testify today? 16 A Not difficult, but I do have brain fog. I 17 have an autoimmune condition, and I take 18 medication for it, but outside of that, no. I 19 will do my best to answer everything correctly. 20 Q What medication is that? 21 A Methimazole, and I always say it 22 incorrectly.</p>	<p style="text-align: right;">11</p> <p>1 Q And who's your employer? 2 A UVA Human Resources. 3 Q Actually, I'm going to come back to that. 4 If you don't understand a question today, will you 5 let me know? 6 A Yes. 7 Q And if you do answer a question, is it 8 fair to assume that you understood the question? 9 A Yes. 10 Q Oh, we talked about objections a minute 11 ago -- or UVA's lawyer talked about objections. I 12 guess one of the lawyers may make an objection 13 today, but you understand that normally you can 14 answer the question if the objection -- if you 15 understood the question. Does that make sense? 16 MS. MCGRAW: Objection. Calls for a legal 17 conclusion. 18 MR. KIRSNER: Let me just make a statement 19 on the record that there are two lawyers present 20 for [REDACTED] today. I'm here on behalf of [REDACTED] 21 [REDACTED] individually in [REDACTED] individual capacity as 22 an employee. Wendy is here on behalf of the</p>
<p style="text-align: right;">10</p> <p>1 Q And do you have any idea how to spell 2 that? 3 A I can guess. M-E-T-H-I-M-A-Z -- yeah. I'm 4 guessing. I'm sorry. Methimazole, I guess. 5 Q Say it again. I just -- 6 A Methimazole. 7 Q Okay. Thank you. 8 And do you understand that that has a side 9 effect with brain fog, or is that just -- 10 A My autoimmune causes the brain fog. 11 Q How long have you had this autoimmune 12 condition? 13 A I was diagnosed a year and a half go. 14 Q I understand you were recently on leave. 15 Was it a result of that condition? 16 A Yes. 17 Q Are you -- were you cleared to return to 18 work? 19 A Yes. 20 Q And other than today, obviously, are you 21 regularly working? 22 A Yes.</p>	<p style="text-align: right;">12</p> <p>1 university, the University of Virginia Rector and 2 Visitors. If one or the other of us makes an 3 objection, we'd like it noted as to both of us. 4 We'll try not to duplicate our objections. 5 MR. DIEHL: Other than that one. Just 6 kidding. 7 MR. DIEHL: 8 Q Yeah. So that may have to occur on the 9 record, but -- and I guess if there is an 10 objection and you forget the question, I can 11 either repeat it or the court reporter can read it 12 back as well. So let me know if that occurs. 13 A Okay. 14 Q You mentioned you work for -- who do you 15 work for again? 16 A UVA Human Resources. 17 Q And by UVA, it's a pretty -- I understand 18 it's a pretty big organization, the university. 19 What is -- what part of UVA do you work for? 20 A Human Resources. 21 Q A good question -- a good point. Is there 22 one Human Resources office for the entire</p>

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4 (13 to 16)

<p>13</p> <p>1 University of Virginia?</p> <p>2 A Yes. We support different areas, but</p> <p>3 there's one Human Resources for the University of</p> <p>4 Virginia.</p> <p>5 Q So I've heard -- well, what different</p> <p>6 parts of the university are there in your</p> <p>7 understanding?</p> <p>8 A The academic side and the medical center.</p> <p>9 I support the medical center, but I'm employed by</p> <p>10 UVA Human Resources.</p> <p>11 Q And so you're part of one HR department</p> <p>12 for the university, correct?</p> <p>13 A Yes.</p> <p>14 Q But you're part of the Human Resources</p> <p>15 personnel who support the medical center; is that</p> <p>16 fair?</p> <p>17 A Correct. Yes.</p> <p>18 Q And when we say "medical center," is UVA</p> <p>19 Health a fair shorthand or synonym for that?</p> <p>20 A Yes.</p> <p>21 Q So if I say "UVA Health," do you</p> <p>22 understand that I'm referring to the medical</p>	<p>15</p> <p>1 A Yes.</p> <p>2 Q -- of ITS?</p> <p>3 A Yes. We didn't become one HR until 2018.</p> <p>4 Q And I hesitate to say this because this is</p> <p>5 the way normal people talk, but it's hard -- and</p> <p>6 I'm often guilty of this myself, but to the extent</p> <p>7 you can let me finish my question before you</p> <p>8 answer, it's easier for the court reporter. Sorry</p> <p>9 about that.</p> <p>10 So what is your current title?</p> <p>11 A Senior Human Resources Business Partner.</p> <p>12 Q And who do you report to currently?</p> <p>13 A Katy Hoffman.</p> <p>14 Q Do you know what her title is?</p> <p>15 A Not offhand.</p> <p>16 Q Do you know who Katy Hoffman reports to?</p> <p>17 A Karmen Fittes.</p> <p>18 Q That's F-I-T-T-E-S?</p> <p>19 A Yes.</p> <p>20 Q And who does -- and sorry. I've read the</p> <p>21 name a number of times, but I've never said it out</p> <p>22 loud, but is it "Fit-is" or "Fittes"?</p>
<p>14</p> <p>1 center side of the university?</p> <p>2 A Yes.</p> <p>3 Q How long have you worked for UVA?</p> <p>4 A 21 years.</p> <p>5 Q And have you been in Human Resources the</p> <p>6 entire time?</p> <p>7 A Yeah, all but maybe three or four years.</p> <p>8 I was still in Human Resources but not under the</p> <p>9 main HR.</p> <p>10 Q When was that period, approximately?</p> <p>11 A From like '13 to '18. So five years I was</p> <p>12 with ITS Human Resources.</p> <p>13 Q What is ITS?</p> <p>14 A Information Technology Services.</p> <p>15 Q I could have guessed, but I didn't, you</p> <p>16 know.</p> <p>17 A At UVA.</p> <p>18 Q And that's -- does ITS support both the</p> <p>19 medical and academic side of the university?</p> <p>20 A No. There's a health system side and an</p> <p>21 academic side.</p> <p>22 Q And were you on the academic side --</p>	<p>16</p> <p>1 A I say "Fittes."</p> <p>2 Q Okay. We'll go with that.</p> <p>3 So do you know who Ms. Fittes reports to?</p> <p>4 A John Kosky.</p> <p>5 Q And do you know what Mr. Kosky's title is?</p> <p>6 A I don't. I think it's Chief Human</p> <p>7 Resources Officer or VP. I'm not certain.</p> <p>8 Q Is it fair to say Mr. Kosky is the head of</p> <p>9 Human Resources at UVA?</p> <p>10 A Yes.</p> <p>11 Q And do you know who Mr. Kosky reports to?</p> <p>12 A President Ryan.</p> <p>13 Q And how many HR business partners are</p> <p>14 there that support the medical center? Do you</p> <p>15 know?</p> <p>16 A Approximately seven.</p> <p>17 Q And how are their roles divided?</p> <p>18 A Can you explain that?</p> <p>19 Q Well, I guess, HR business partners, are</p> <p>20 they assigned to different units or parts of UVA</p> <p>21 Health?</p> <p>22 A Different chiefs.</p>

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5 (17 to 20)

<p>17</p> <p>1 Q What's a chief?</p> <p>2 A A chief officer of the university, the</p> <p>3 medical center.</p> <p>4 Q So who's the chief that you -- do you</p> <p>5 report to that chief as a business partner or just</p> <p>6 kind of work with --</p> <p>7 A I report to Katy. I support the chief</p> <p>8 operating officer, Min Lee.</p> <p>9 Q Who's that?</p> <p>10 A Min Lee, M-I-N L-E-E.</p> <p>11 Q Is that a man or woman?</p> <p>12 A Female.</p> <p>13 Q Sorry. And what -- Ms. Lee is the chief</p> <p>14 operating officer of the medical center?</p> <p>15 A Yes.</p> <p>16 Q And then you personally -- are there</p> <p>17 different -- how are your duties divided between</p> <p>18 any other HR business partner?</p> <p>19 MR. KIRSNER: Object to the form.</p> <p>20 Q Well, do you have different duties?</p> <p>21 A We all have the same duties. We support</p> <p>22 different areas.</p>	<p>19</p> <p>1 Oh, our Graduate Medical Education. Oh, wait.</p> <p>2 I'm sorry. Also Physical Therapy and Occupational</p> <p>3 Health.</p> <p>4 Q That's a good point. If you at any point</p> <p>5 remember something or you remember that you gave</p> <p>6 an answer wrong, will you let me know whenever</p> <p>7 you're done answering --</p> <p>8 A I'm done.</p> <p>9 Q -- the question I asked you?</p> <p>10 A Yes.</p> <p>11 Q Yeah. Just later in the day, if you</p> <p>12 remember something, just let me know.</p> <p>13 What are your -- now, what are your duties</p> <p>14 supporting those areas?</p> <p>15 A I service a liaison between our leadership</p> <p>16 and our employees and HR. I support them with</p> <p>17 helping them do job analysis, role delineation,</p> <p>18 and then also supporting the employees when they</p> <p>19 have -- we are their first stop when they have</p> <p>20 issues.</p> <p>21 Q Are you involved in performance reviews?</p> <p>22 A We assist the managers on how to write</p>
<p>18</p> <p>1 Q So what areas do you personally work with</p> <p>2 now?</p> <p>3 A I support Pharmacy, Hospitality and</p> <p>4 Support Services, Transplant, GME, Student Health.</p> <p>5 Q And how long have you been in this same</p> <p>6 senior HR business partner role supporting those</p> <p>7 areas?</p> <p>8 A So those areas -- I've been supporting</p> <p>9 different areas for longer times. So the</p> <p>10 Hospitality/Support Services I've been supporting</p> <p>11 for about two years. Pharmacy, Transplant, GME,</p> <p>12 and Student Health I've been supporting since</p> <p>13 2019.</p> <p>14 Q If you could recall back to 2021, what</p> <p>15 areas of the medical center did you support at</p> <p>16 that time?</p> <p>17 A Those areas that I just named.</p> <p>18 Q So Hospitality and -- sorry. What was --</p> <p>19 A Hospitality/Support Services, Pharmacy,</p> <p>20 Transplant, Student Health, and GME.</p> <p>21 Q What's GME?</p> <p>22 A The -- gosh, I forgot what the G is for.</p>	<p>20</p> <p>1 performance reviews, but we don't conduct them.</p> <p>2 Q How do you assist them, I guess?</p> <p>3 A If they have questions on how to do it,</p> <p>4 what's the best way to do it, how to do SMART</p> <p>5 goals.</p> <p>6 Q Does UVA -- well, does UVA Health have a</p> <p>7 standard employee review process?</p> <p>8 A Yes.</p> <p>9 Q And forms and questions?</p> <p>10 A No forms. It's a question in our Workday</p> <p>11 online system.</p> <p>12 Q What is the Workday online system? Is</p> <p>13 that -- well, yeah. What is the Workday system?</p> <p>14 A Workday system, is it houses all the</p> <p>15 information -- employee information, their job</p> <p>16 information, their personal information. It</p> <p>17 houses all of that for us.</p> <p>18 Q Fair to say it's a Human Resources</p> <p>19 information system?</p> <p>20 A Yes.</p> <p>21 Q We'll talk later about VaxTrax. Was that</p> <p>22 part of Workday?</p>

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6 (21 to 24)

<p>21</p> <p>1 A No. Those are two separate.</p> <p>2 Q Are there any other HR systems that are</p> <p>3 used regularly other than Workday?</p> <p>4 A Not that I use.</p> <p>5 Q Just e-mail?</p> <p>6 A Well, sorry.</p> <p>7 Q Yeah. Other than --</p> <p>8 A Well, I don't --</p> <p>9 Q -- the standard -- yeah. I was going to</p> <p>10 say just other than the standard Office tools?</p> <p>11 A Correct.</p> <p>12 Q Does UVA provide you with a cellular</p> <p>13 phone?</p> <p>14 A No.</p> <p>15 Q Do they reimburse your cell phone?</p> <p>16 A No.</p> <p>17 Q So do you have to use your own phone for</p> <p>18 work when you're on your cell phone?</p> <p>19 MS. MCGRAW: Object to the form.</p> <p>20 A I use my house phone.</p> <p>21 Q You don't ever use a cell phone for work?</p> <p>22 A Very seldom. I try not to.</p>	<p>23</p> <p>1 A I am on-site and remote, which is the</p> <p>2 McKim location.</p> <p>3 Q How do you spell that?</p> <p>4 A M-C-K-I-M.</p> <p>5 Q And where is that in relation to where we</p> <p>6 are now?</p> <p>7 A In Charlottesville, Virginia.</p> <p>8 Q Okay. And how long have you worked at the</p> <p>9 McKim site?</p> <p>10 A Since 2019 -- '18. My apologies.</p> <p>11 Q And how many days -- say in 2021, how many</p> <p>12 days did you work at the McKim site versus</p> <p>13 remotely?</p> <p>14 A Two days a week.</p> <p>15 Q So you were on-site two days and worked</p> <p>16 from home three days?</p> <p>17 A Yes.</p> <p>18 Q Are you a full-time employee?</p> <p>19 A Yes.</p> <p>20 Q Do you have a five-day-week/eight-hour-day</p> <p>21 schedule normally?</p> <p>22 A Monday through Friday 8:00 to 5:00.</p>
<p>22</p> <p>1 Q Why is that?</p> <p>2 A Because I pay the bill and UVA does not.</p> <p>3 Q Do you have a cell phone plan that costs</p> <p>4 more based on the number of calls or texts?</p> <p>5 A No.</p> <p>6 Q The duties that you were just talking</p> <p>7 about with respect to your duties to support the</p> <p>8 business areas you support, have those changed</p> <p>9 significantly since 2020?</p> <p>10 A No.</p> <p>11 Q Just stepping back for a second, before</p> <p>12 you worked for UVA, where did you work?</p> <p>13 A TASSCO Personnel.</p> <p>14 Q Sorry. I didn't hear that.</p> <p>15 A TASSCO Personnel.</p> <p>16 Q Is that T-A --</p> <p>17 A -- S-S-C-O or T-A-S-C-C-O. I don't</p> <p>18 remember. It was so long ago.</p> <p>19 Q And what was that?</p> <p>20 A It was a home health agency.</p> <p>21 Q Do you -- what location do you work at for</p> <p>22 UVA today?</p>	<p>24</p> <p>1 Q Do you live in [REDACTED]</p> <p>2 A Yes.</p> <p>3 Q Do you use any videoconferencing tools in</p> <p>4 your work for UVA?</p> <p>5 A We use Team, Zoom, and WebEx.</p> <p>6 Q When you work remotely, how often are you</p> <p>7 speaking on the phone versus speaking to people</p> <p>8 via videoconference?</p> <p>9 A 75 percent video.</p> <p>10 Q And what about in 2021?</p> <p>11 A I can't give you a percent. I don't know.</p> <p>12 Q Was it similar -- sorry.</p> <p>13 A Similar to what it is now. I was on-site.</p> <p>14 So on the days I was home, I'm probably the same</p> <p>15 amount.</p> <p>16 Q In 2021, were you -- did you have the same</p> <p>17 two-days-on-site/three-days-at-home schedule?</p> <p>18 A That was my schedule in 2021.</p> <p>19 Q Okay. What's your schedule --</p> <p>20 A That's not --</p> <p>21 Q Sorry.</p> <p>22 A That's not my schedule now.</p>

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7 (25 to 28)

<p>25</p> <p>1 Q Good job anticipating the question.</p> <p>2 What is your schedule now?</p> <p>3 A I go on-site when needed.</p> <p>4 Q And is that since you were diagnosed with</p> <p>5 this condition?</p> <p>6 A No.</p> <p>7 Q Why was that changed?</p> <p>8 A HR changed that.</p> <p>9 Q Do you know why?</p> <p>10 A I don't.</p> <p>11 Q Is it better or worse to be working from</p> <p>12 home entirely?</p> <p>13 A My opinion?</p> <p>14 Q Yes.</p> <p>15 A Neutral either way.</p> <p>16 Q What did you do to prepare for today's</p> <p>17 deposition?</p> <p>18 A Nothing.</p> <p>19 Q You didn't --</p> <p>20 A Oh, sorry.</p> <p>21 Q Go ahead.</p> <p>22 A Other than to meet with these two.</p>	<p>27</p> <p>1 tell you which day. I believe it was last week.</p> <p>2 Q Do you know what day last week?</p> <p>3 A I do not.</p> <p>4 Q How long did you meet last week?</p> <p>5 A I don't recall. Maybe a couple of hours.</p> <p>6 Q So you met three hours yesterday,</p> <p>7 approximately, and a couple of hours last week?</p> <p>8 A Yes. It was by Zoom.</p> <p>9 Q Were both meetings by Zoom?</p> <p>10 A Yes.</p> <p>11 Q Yesterday was in person?</p> <p>12 A Yes.</p> <p>13 Q And then last week was by Zoom?</p> <p>14 A Yes.</p> <p>15 Q And did you look at any documents?</p> <p>16 A When?</p> <p>17 Q In advance of this deposition --</p> <p>18 A Yes.</p> <p>19 Q -- in relation to this deposition?</p> <p>20 A Yes.</p> <p>21 Q What do you recall?</p> <p>22 A Just the -- do you want me to tell you</p>
<p>26</p> <p>1 MS. MCGRAW: And I'll just object to the</p> <p>2 extent we're going to get into any attorney-client</p> <p>3 communications, but</p> <p>4 Q Yeah. I'm not asking for anything that</p> <p>5 was said, but by "these two," you're referring to</p> <p>6 Ms. McGraw and --</p> <p>7 MR. KIRSNER: -- Kirsner.</p> <p>8 MR. DIEHL: Kirsner. Sorry. I talk to</p> <p>9 Wendy a lot, but I don't talk to you as much.</p> <p>10 MR. KIRSNER: I'll call you more often.</p> <p>11 MR. DIEHL: Well, hopefully not.</p> <p>12 BY MR. DIEHL:</p> <p>13 Q All right. So how long did you meet with</p> <p>14 Ms. McGraw and Mr. Kirsner?</p> <p>15 A Approximately around three hours.</p> <p>16 Q When was that?</p> <p>17 A Yesterday.</p> <p>18 Q Did you meet with them -- did you meet</p> <p>19 with them more than once or just one time?</p> <p>20 A More than once.</p> <p>21 Q Okay. More than once yesterday?</p> <p>22 A No. Sorry. Another time, but I couldn't</p>	<p>28</p> <p>1 what I saw?</p> <p>2 Q Yes.</p> <p>3 A The PowerPoint presentation for the</p> <p>4 training, some e-mails and documents from VaxTrax.</p> <p>5 (Reporter clarification.)</p> <p>6 THE WITNESS: VaxTrax, V-A-X-T-R-A-X.</p> <p>7 Q I'm going to move this closer just because</p> <p>8 I'm worried about the microphone.</p> <p>9 A Yep.</p> <p>10 Q And you're welcome to come around if you</p> <p>11 want to see that it doesn't -- it's not looking up</p> <p>12 your nose or anything like that.</p> <p>13 A It's okay.</p> <p>14 Q I'm going to mark an exhibit. This will</p> <p>15 be marked as Exhibit 1.</p> <p>16 (Whereupon, Exhibit 1 was marked for</p> <p>17 identification.)</p> <p>18 Q So I'm just going to -- take a look at</p> <p>19 Exhibit 1. And I'll just note that the first</p> <p>20 cover page is not originally with the document.</p> <p>21 That's from -- you'll see up at the top there's</p> <p>22 some notations related to the case. You can</p>

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8 (29 to 32)

<p>29</p> <p>1 ignore those. That just means it's a document 2 that was filed with the court at some point. But 3 if you turn to the next page of Exhibit 1, you 4 mentioned the PowerPoint for training. 5 Is this document, Exhibit 1, the 6 PowerPoint you were referring to? 7 A Yes. 8 Q And I'll come back to that. So you can -- 9 I'm not telling you what to do, but just to make 10 it easier, you can set it -- yeah. I was going to 11 say you can set it down there and that -- so what 12 e-mails do you recall looking at? 13 A Oh, gosh. Mark Ehrlich. 14 Q What were the subjects of any e-mails 15 related to Mark Ehrlich? 16 A It was communication between a business 17 partner, [REDACTED], and Sharon Hung. 18 Q Sharon -- 19 A Hung, H-U-N-G. 20 Q And what was the general topic of your 21 call? 22 A It was an inquiry -- you're talking about</p>	<p>31</p> <p>1 A As far as in -- do you mean -- 2 Q I guess what information from VaxTrax did 3 you look at that you recall? 4 A It was different submissions for COVID 5 vaccines. 6 Q Employee submissions? 7 A Yes. 8 Q Anything else besides employee VaxTrax 9 submissions and the e-mail you referenced and the 10 PowerPoint that you looked at in advance of 11 today's deposition? 12 A No. 13 Q Did you talk to anyone about today's 14 deposition? 15 A No, other than Wendy and -- 16 Q Other than the lawyers. 17 A Yes. 18 Q Other than -- yeah. I was not -- 19 obviously, I'm not asking about communications 20 with counsel. 21 Did you talk to anyone that works for UVA 22 about today's deposition?</p>
<p>30</p> <p>1 the e-mail? 2 Q Yes. 3 A It was an inquiry about his information 4 about not being in VaxTrax. 5 Q And so that was from the 2021 time period? 6 A I think so. 7 Q Any other e-mails besides that that you 8 recall looking at before today's -- in advance -- 9 I guess, let me start that over. 10 Do you recall any other e-mails besides 11 the ones you just referenced with respect to -- 12 A No. 13 Q -- Mark Ehrlich? 14 And were there multiple e-mails that you 15 looked at with respect to Mark Ehrlich? 16 A It was multiple communications, yes. 17 Q So it might have been a string of e-mails? 18 A Yes. 19 Q Any other documents that you recall 20 looking at? 21 A VaxTrax -- information from VaxTrax. 22 Q And any particular information?</p>	<p>32</p> <p>1 A No. 2 Q Did you communicate in any way with anyone 3 that works for UVA about today's deposition? 4 A No. 5 Q So you didn't tell your manager that 6 you're going to be off today for the deposition? 7 A Well, she already knew. 8 Q She knew from the lawyers? 9 A Yes. My understanding, she -- 10 MS. MCGRAW: Okay. Let's stop. 11 MR. DIEHL: Yeah. I don't want to ask -- 12 I asked a bad question. 13 MS. MCGRAW: Yeah. Objection to the 14 extent you're asking for communications with 15 counsel. 16 And please disclose any communications 17 with counsel that involve counsel. 18 BY MR. DIEHL: 19 Q Who's [REDACTED] ? 20 A A co-worker. 21 Q And how is [REDACTED] role different or the same 22 as your role?</p>

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9 (33 to 36)

33
1 **A [REDACTED] supports the School of Medicine.**
2 **[REDACTED] a business partner. [REDACTED] supports the School**
3 **of Medicine.**
4 Q And you're a senior HR business partner?
5 **A Yes.**
6 Q And is [REDACTED] a senior or non-senior?
7 **A [REDACTED] a senior. [REDACTED] a senior.**
8 Q Does senior just mean length of time, or
9 is it a different type of a role?
10 **A Just more experience.**
11 Q Are you promoted into that role or
12 **A Yes.**
13 Q Are you promoted after a period of time or
14 based on your reviews? How do you obtain that?
15 Do you know?
16 **A I don't believe that there's a standard**
17 **time frame. That's up to the managers when they**
18 **do the promotion.**
19 Q And tell me what your -- we're going to
20 talk a good bit, obviously, about UVA's vaccine
21 requirements. And, I guess, tell me about your
22 role in -- well, I'll just step back.

34
1 How long has UVA had any vaccine
2 requirement for employees? Do you know?
3 MS. MCGRAW: Object to the form.
4 **A I can just speak from 2019 because I**
5 **didn't support the medical center before then.**
6 Q Okay. So since 2019, what requirements
7 for employees has UVA had with respect to
8 vaccines?
9 **A You had to have the flu vaccine, certain**
10 **shots -- and I don't recall which ones -- and then**
11 **when the pandemic hit, the COVID vaccine.**
12 Q So before the COVID vaccine, we're
13 talking -- I asked a question about employees.
14 I've heard the term "team members." Is that
15 different than employees?
16 **A No. They're the same thing. We just**
17 **refer to them as team members.**
18 Q So when someone at UVA refers to "team
19 members," they're referring to UVA employees?
20 **A Yes.**
21 Q And I've seen Tier 1 team members.
22 **A Yes.**

35
1 Q What is Tier 1 -- what is a Tier 1 team
2 member?
3 **A Tier 1 are employees that step on grounds**
4 **into a medical facility, a health system building.**
5 Q And so are -- well, let's go back to 2019.
6 Was there a differentiation with respect to the
7 flu vaccine requirement at that time between Tier
8 1 employees and other UVA employees?
9 **A Yes.**
10 Q What was the difference?
11 **A Tier 1 are required to have -- obtain the**
12 **flu vaccine. Tier 2 are not. Tier 2 did not have**
13 **to come. That means that they were not on a**
14 **health system facility.**
15 Q So Tier 2 -- are they employees that --
16 they're just employees that don't ever have to
17 come into a UVA --
18 **A No. They're employees that may be housed**
19 **in different buildings that's not a health system**
20 **facility or don't come into contact with patients.**
21 Q So if I were -- well, take the example of
22 a maintenance person that fixes the pipes -- this

36
1 is just an example -- and if that person worked in
2 a nonmedical center building but then came into a
3 medical center building to fix something
4 occasionally, which would they be? Tier 1 or Tier
5 2?
6 **A Tier 1.**
7 MS. MCGRAW: Object to the form.
8 Q Sorry. What was that?
9 **A Tier 1.**
10 Q So, sorry. They'd be a Tier 1 employee
11 because they occasionally come into a UVA Medical
12 Center building?
13 **A Yes.**
14 Q And is there one medical center and then
15 other medical center buildings? I guess, is
16 there --
17 **A Yes.**
18 Q Is the medical center a hospital?
19 **A Yes.**
20 Q But then the medical center also refers to
21 the UVA Health System; is that fair?
22 MS. MCGRAW: Object to the form.

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10 (37 to 40)

<p>37</p> <p>1 A Yes. There's the medical center, which is</p> <p>2 the old term that everyone called it, and then it</p> <p>3 went to UVA Health. There's the medical hospital</p> <p>4 that has buildings across grounds and other</p> <p>5 locations.</p> <p>6 Q And is the medical hospital -- is that</p> <p>7 referred to as the medical center separately from</p> <p>8 the overall usage of the term "medical center"?</p> <p>9 MS. MCGRAW: Object to the form.</p> <p>10 Q I guess I'm just trying to -- I've heard</p> <p>11 the term "medical center" used in different ways.</p> <p>12 I'm just trying to understand how it's used.</p> <p>13 MS. MCGRAW: Object to the form.</p> <p>14 A I can't speak on how everyone else uses it</p> <p>15 because everyone calls it differently. I call it</p> <p>16 the medical center. There's a lot of people that</p> <p>17 like to refer to it as UVA Health, UVA Medical</p> <p>18 Center. So -- which is the hospital. I refer to</p> <p>19 it as "the medical center."</p> <p>20 Q So when you refer to it as "the medical</p> <p>21 center," you're referring to the UVA Health</p> <p>22 System?</p>	<p>39</p> <p>1 A Sorry?</p> <p>2 Q That was true in 2019?</p> <p>3 A Yes.</p> <p>4 Q And did you have any role with respect to</p> <p>5 requests for medical exemptions --</p> <p>6 A No.</p> <p>7 Q -- in 2019?</p> <p>8 A No.</p> <p>9 Q In 2019, with respect to the flu vaccine,</p> <p>10 who in Human Resources was responsible for</p> <p>11 reviewing medical exemption requests?</p> <p>12 MS. MCGRAW: Object to the form.</p> <p>13 A I don't recall who was -- I wasn't part of</p> <p>14 the medical process. So I can't speak to that.</p> <p>15 Q Was the -- in 2019, was the flu vaccine</p> <p>16 requirement new, or was it -- had it been placed,</p> <p>17 to your knowledge, before you began to work with</p> <p>18 the medical center?</p> <p>19 A It was not new.</p> <p>20 Q Was whatever process you used for</p> <p>21 reviewing religious exemption requests -- was that</p> <p>22 the same as previously, to your knowledge?</p>
<p>38</p> <p>1 A Yes.</p> <p>2 Q So going back to 2019, with respect to the</p> <p>3 flu vaccine requirement, what role, if any, did</p> <p>4 you have with respect to that requirement?</p> <p>5 A I reviewed any religious exemption request</p> <p>6 that came through.</p> <p>7 Q Did you review -- wait. You said</p> <p>8 religious exemption requests; is that right?</p> <p>9 A Yes.</p> <p>10 Q And if you use the term "religious</p> <p>11 exemption request," do you understand that to be</p> <p>12 the same as a religious accommodation request?</p> <p>13 A Yes.</p> <p>14 Q And so if I use either term today, will</p> <p>15 you understand that I'm using those terms</p> <p>16 interchangeably?</p> <p>17 A Yes.</p> <p>18 Q And I understand that employees also may</p> <p>19 make a request for an exemption based on a medical</p> <p>20 reason. Did -- well, do you understand that?</p> <p>21 A Yes.</p> <p>22 Q And that's true in 2019?</p>	<p>40</p> <p>1 MS. MCGRAW: Object to the form.</p> <p>2 A No. It was not.</p> <p>3 Q So it was a new process in 2019?</p> <p>4 A Yes.</p> <p>5 Q Were you involved in creating that</p> <p>6 process?</p> <p>7 A I was not.</p> <p>8 Q Do you know who was?</p> <p>9 A I don't recall, no.</p> <p>10 Q How did you learn about the process?</p> <p>11 A Through my supervisor, Josh Christian.</p> <p>12 Q And Christian is spelled the way one would</p> <p>13 guess --</p> <p>14 A Yes.</p> <p>15 Q -- for lack of a better term?</p> <p>16 And how did you learn about the religious</p> <p>17 exemption review process in 2019?</p> <p>18 MS. MCGRAW: I'm just going to object to</p> <p>19 the extent we're going to get into any sort of</p> <p>20 attorney-client communications. I would just</p> <p>21 caution the witness if there were discussions with</p> <p>22 attorneys at that time, that you should not be</p>

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11 (41 to 44)

<p style="text-align: right;">41</p> <p>1 disclosing that.</p> <p>2 Q And I'm not asking for you to disclose</p> <p>3 attorney-client communications, but I do need to</p> <p>4 know about facts. So I'm asking about facts from</p> <p>5 that time period.</p> <p>6 So how did you learn about the exemption</p> <p>7 process in 2019?</p> <p>8 A Other than through Josh?</p> <p>9 Q Well, did you meet with Mr. Christian?</p> <p>10 A I did not. I met with Josh Christian and</p> <p>11 some other -- and team members who explained the</p> <p>12 process to me. There were two attorneys and a</p> <p>13 project manager and -- what was his title? -- the</p> <p>14 director of Occupational Health.</p> <p>15 Q So, yeah. Can you tell me the names.</p> <p>16 A Yes.</p> <p>17 Q And when -- sorry. Just to not make you</p> <p>18 do it twice. Can you tell me the names and if you</p> <p>19 know their role or title?</p> <p>20 A Yes. And I could be wrong on this name.</p> <p>21 Lynne Fleming, I believe, was her last name,</p> <p>22 attorney; Sara Fowler was the project manager;</p>	<p style="text-align: right;">43</p> <p>1 A That's where I learned about the process.</p> <p>2 Q Tell me about the religious exemption</p> <p>3 process -- or excuse me. Let me start that over.</p> <p>4 What was the exemption review process for</p> <p>5 religious exemptions in 2019 with respect to the</p> <p>6 flu vaccine?</p> <p>7 MS. MCGRAW: Object to the form, and,</p> <p>8 again, I caution the witness not to reveal</p> <p>9 attorney-client communications. If you can</p> <p>10 respond --</p> <p>11 MR. DIEHL: Counsel, I just asked [REDACTED] what</p> <p>12 the process was.</p> <p>13 MS. MCGRAW: And I'm cautioning the</p> <p>14 witness not to reveal attorney-client</p> <p>15 communication, and [REDACTED] can answer the question.</p> <p>16 MR. DIEHL: [REDACTED] can answer the question.</p> <p>17 That's not -- I'm not seeking attorney-client</p> <p>18 privilege. It's seeking a fact. Let's have</p> <p>19 proper objections.</p> <p>20 MS. MCGRAW: You can answer as long you're</p> <p>21 not going to disclose any communications with</p> <p>22 counsel.</p>
<p style="text-align: right;">42</p> <p>1 John Shook was the director of Occupational Health</p> <p>2 at the time; and I forgot the other lady's name.</p> <p>3 Q So there's another lady, but you don't</p> <p>4 remember her name?</p> <p>5 A No.</p> <p>6 Q Was it an attorney?</p> <p>7 A Yes.</p> <p>8 Q Was it Melissa Wolf Riley?</p> <p>9 A No.</p> <p>10 Q Was it an attorney that was an employee of</p> <p>11 UVA, to your knowledge?</p> <p>12 A I don't recall.</p> <p>13 Q And you said Sara Fowler was the project</p> <p>14 manager. Project manager of what? Do you know?</p> <p>15 A That was her title.</p> <p>16 Q Oh, okay. So it wasn't like she was the</p> <p>17 religious exemption project manager. She was --</p> <p>18 A Her title was project manager.</p> <p>19 Q Thank you. And did this group from</p> <p>20 2019 -- did that group have -- was that a</p> <p>21 committee or was that where you learned about the</p> <p>22 process?</p>	<p style="text-align: right;">44</p> <p>1 THE WITNESS: They would submit a form</p> <p>2 that had questions on it. They would put their --</p> <p>3 answer the questions, submit it, I want to say,</p> <p>4 through ImmunizeUVA, and then it would be</p> <p>5 dispersed to me for review.</p> <p>6 BY MR. DIEHL:</p> <p>7 Q And so they -- submitting the form? That</p> <p>8 would be -- employees would submit the form?</p> <p>9 A The team members, yes.</p> <p>10 Q And do you recall what the questions were?</p> <p>11 A I don't. Not off the top of my head, no.</p> <p>12 It's basically explain or state your religious --</p> <p>13 there was a whole sentence, and then there was</p> <p>14 another one that would say state how it precluded</p> <p>15 you from obtaining the vaccination.</p> <p>16 Q And you said they would support that</p> <p>17 through -- was it ImmunizeUVA?</p> <p>18 A Yes.</p> <p>19 Q Was that an e-mail address?</p> <p>20 A Yes.</p> <p>21 Q But it wasn't -- I guess it wasn't a</p> <p>22 system like VaxTrax?</p>

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12 (45 to 48)

<p style="text-align: right;">45</p> <p>1 A No. It was not.</p> <p>2 Q So was there a person responsible for</p> <p>3 getting the e-mails in 2019?</p> <p>4 A Yes.</p> <p>5 Q Who's that?</p> <p>6 A I don't remember her name.</p> <p>7 Q And whoever that was would forward those</p> <p>8 to you?</p> <p>9 A Yes.</p> <p>10 Q And were you one of many people that</p> <p>11 reviewed these, or were you the person that</p> <p>12 reviewed the requests?</p> <p>13 A There were two others that would review</p> <p>14 every now and then. I was the main reviewer in</p> <p>15 2019.</p> <p>16 Q And I presume you don't remember every --</p> <p>17 excuse me -- I presume you don't remember specific</p> <p>18 numbers, but do you remember whether most of the</p> <p>19 requests were granted in 2019?</p> <p>20 MS. MCGRAW: Object to the form.</p> <p>21 MR. KIRSNER: Object to the form.</p> <p>22 A I don't recall.</p>	<p style="text-align: right;">47</p> <p>1 Does that sound about right?</p> <p>2 MS. MCGRAW: Object to the form.</p> <p>3 A Yes.</p> <p>4 Q And how -- the two other people that</p> <p>5 occasionally -- do I recall correctly you said two</p> <p>6 others occasionally reviewed exemption requests?</p> <p>7 A Yes.</p> <p>8 Q Who were those two others?</p> <p>9 A Ellen Beverly and Nicole Trice.</p> <p>10 Q How did you spell Trice?</p> <p>11 A T-R-I-C-E.</p> <p>12 Q And what are -- I guess in 2019, what was</p> <p>13 Ms. Beverly or -- what was Ms. Beverly's role or</p> <p>14 title that you recall?</p> <p>15 A Business partner.</p> <p>16 Q So HR business partner?</p> <p>17 A Yes.</p> <p>18 Q Same question with respect to Ms. Trice?</p> <p>19 A HR business partner.</p> <p>20 Q And why -- I guess, was there any reason</p> <p>21 why you would review some requests and either Ms.</p> <p>22 Beverly or Ms. Trice would review other requests</p>
<p style="text-align: right;">46</p> <p>1 Q Do you recall whether most were denied?</p> <p>2 MS. MCGRAW: Object to the form.</p> <p>3 A I don't know. There was so many that was</p> <p>4 submitted. I don't recall.</p> <p>5 Q Do you have any idea of how many were</p> <p>6 submitted in 2019?</p> <p>7 A I don't.</p> <p>8 Q Well, was it more than 10?</p> <p>9 A Yes.</p> <p>10 Q Was it more than 100?</p> <p>11 A Yes.</p> <p>12 Q Do you think it was more than 200?</p> <p>13 MS. MCGRAW: Object to the form. Calls</p> <p>14 for speculation.</p> <p>15 A I don't know.</p> <p>16 Q Could have been?</p> <p>17 MS. MCGRAW: Object to the form.</p> <p>18 A Could have been.</p> <p>19 Q Could it have been more than 250?</p> <p>20 MS. MCGRAW: Object to the form.</p> <p>21 A I don't know.</p> <p>22 Q So probably somewhere between 100 and 250.</p>	<p style="text-align: right;">48</p> <p>1 in 2019?</p> <p>2 A I was the main reviewer, and then if I was</p> <p>3 out or got a lot, they would assist.</p> <p>4 Q And who would -- how would a decision be</p> <p>5 made with respect to requests?</p> <p>6 A Can you explain what you mean by how was a</p> <p>7 decision made?</p> <p>8 Q Well, at some point, someone at UVA would</p> <p>9 decide whether to grant an exemption request or</p> <p>10 deny an exemption request; is that fair?</p> <p>11 A Yes.</p> <p>12 Q So how was that decision made?</p> <p>13 A I would review them, and if it supported</p> <p>14 everything that they submitted, then they would be</p> <p>15 denied or approved.</p> <p>16 Q So it's your decision?</p> <p>17 A Yes.</p> <p>18 Q Did anyone else review your decisions to</p> <p>19 determine whether they concurred in your decision</p> <p>20 in 2019?</p> <p>21 MS. MCGRAW: Object to the form.</p> <p>22 A No.</p>

Transcript of [REDACTED]
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13 (49 to 52)

<p style="text-align: right;">49</p> <p>1 Q What criteria did you use at that time to 2 review religious exemption requests? 3 A I was provided information -- training -- 4 excuse me -- I was provided training prior to 5 reviewing. 6 Q What type of -- was it documents, or what 7 are you talking about? 8 A It was different documents, but it was 9 also conversations with the attorney that was 10 present at the time. 11 Q So I'm not asking you for anything said by 12 the attorney, but were the documents a PowerPoint 13 presentation? Do you recall? 14 A It was not, no. It was just like Word 15 documents with different scenarios. 16 Q And so the scenarios would be sort of 17 similar to what employees might say; is that fair? 18 A Yes. 19 MS. MCGRAW: Object to the extent that 20 you're asking for attorney-client communications. 21 Q Well, would you review the scenarios as 22 you reviewed exemption requests?</p>	<p style="text-align: right;">51</p> <p>1 Q Well, I guess I'm asking what was provided 2 to them. I'm asking what you did. Did you -- 3 A Right. I would have to reply -- do you 4 mean to the team member who submitted it? 5 Q I'll ask you both. I was asking a 6 slightly different question, I guess. 7 Did you, anywhere, write down a rationale 8 or reasoning for your decision -- 9 A No. 10 Q -- when you denied the exemption request 11 in 2019? 12 A No. 13 Q Same question with respect to approvals: 14 Did you write down a rationale anywhere? 15 A No. 16 Q Why not? 17 A I kept a spreadsheet of approvals and 18 denials, but I did not write down the 19 justification of why. I was not -- I didn't do 20 it. 21 Q Did the spreadsheet just -- was it sort 22 of -- well, what was on the spreadsheet?</p>
<p style="text-align: right;">50</p> <p>1 MS. MCGRAW: Same objection. I think he's 2 asking you at this point about the discussions 3 that you were having with the attorney. 4 MR. DIEHL: No. I should clarify. 5 Q I'm asking you about the document that you 6 used. Well, unless you -- 7 MS. MCGRAW: He's asking you -- 8 Q I'm asking if you used the document, I 9 guess I should say. 10 MS. MCGRAW: He's asking you about -- 11 A I did not use the document when making a 12 decision, if that's what you're asking. 13 Q Okay. And did you use the document when 14 you were reviewing exemption requests? 15 A Did I use a document? 16 Q Yes. 17 A No. 18 Q When you made a decision in 2019 about a 19 flu exemption request, did you write down a reason 20 why the request was denied if it was denied? 21 A I don't recall what was provided to them 22 back then. The process was different.</p>	<p style="text-align: right;">52</p> <p>1 A Name, approve or denial, and the date they 2 submitted it. 3 Q Who was responsible for communicating your 4 decisions to employees? 5 A I was. 6 Q So you would e-mail them? 7 A Yes. 8 Q And would that come from you or would that 9 come from ImmunizeUVA? 10 A ImmunizeUVA. 11 MR. DIEHL: Why don't we take a short 12 break. 13 MS. MCGRAW: Okay. 14 (Whereupon, a recess was taken.) 15 BY MR. DIEHL: 16 Q We're back on the record now after a short 17 break. And I won't keep doing this, but you 18 understand after breaks, you're still under oath 19 today? 20 A Yes. 21 Q So we were talking about the 22 flu-vaccine-religious-exemption process from 2019,</p>

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14 (53 to 56)

<p>53</p> <p>1 if you recall, and you said you communicated with 2 employees through the ImmunizeUVA e-mail? 3 A Yes. 4 Q And when you sent an e-mail, did you sign 5 it -- or was the e-mail address ImmunizeUVA and 6 then you signed your name, or did you sign 7 ImmunizeUVA? 8 A Signed ImmunizeUVA. 9 Q Were you instructed to do that, or was 10 that just something you came up with? 11 A I just started doing that. 12 Q Then if an employee disagreed with your 13 decision, what would happen? 14 A They would submit it through another 15 e-mail and inquire about their status or why they 16 were denied, and then it would just be basically 17 reiterating to please explain how their belief, 18 religious or whatever they had provided, precluded 19 them from receiving the vaccination. 20 Q Okay. So there might be another 21 communication with you. Is that what you're 22 talking about?</p>	<p>55</p> <p>1 A University of Virginia. 2 Q And do you know if -- did Lynne work in 3 the University Counsel's Office? 4 A I believe so. 5 Q And how about Melissa Riley? Do you 6 know -- I understand she worked for -- well, in 7 2019, did she work for a law firm? Do you know? 8 Or did she work for the University of Virginia 9 directly? 10 A University of Virginia. 11 Q And do you know what office she worked in? 12 A I believe in our general counsel's office. 13 Q And when you say "general counsel," that's 14 the same as university counsel? 15 A Yes. 16 Q Was Lynne an attorney assigned to work 17 with UVA Health? 18 MS. MCGRAW: Object to the form. 19 A I don't know. 20 Q I guess I'm asking for, I guess, did Lynne 21 regularly work with UVA Health? 22 MS. MCGRAW: Object to the form.</p>
<p>54</p> <p>1 A Yes. 2 Q Was there any other person that would 3 review a decision that an employee disagreed with 4 if they e-mailed back to ImmunizeUVA? 5 A Yes. 6 Q Who was that? 7 A Melissa Riley. She stepped in for Lynne 8 when Lynne retired. 9 MS. MCGRAW: And to the extent -- 10 A Melissa Riley's attorney. 11 MS. MCGRAW: -- the next question -- yeah. 12 Q Why don't I ask you who people are. So 13 you said -- 14 A Melissa Riley's attorney. 15 Q And who is Lynne? 16 A She was the former attorney, the one that 17 I mentioned first. 18 Q Was she an attorney that worked for a law 19 firm, or did she -- I'm talking about Lynne for 20 right now. Was Lynne an attorney that worked for 21 a law firm, or did Lynne work for the University 22 of Virginia directly?</p>	<p>56</p> <p>1 A I don't know. 2 Q How about Ms. Riley? 3 MS. MCGRAW: Object to the form. 4 A So those I don't know. 5 Q I'm not asking for anything you said, but 6 when you had a question for an attorney, who would 7 you call? 8 A When? 9 Q In 2019. 10 A Melissa Riley. 11 Q How about in 2020? 12 A Melissa Riley. 13 Q And today? 14 A Melissa -- well, I don't do anything 15 today. 16 Q You don't do anything today? 17 A I'm not part of our religious committee 18 today. 19 Q So you're answering with respect to -- I 20 just mean in general. What was -- I'm just trying 21 to understand it. 22 A I don't have to reach out to an attorney</p>

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Conducted on August 27, 2024

15 (57 to 60)

<p>57</p> <p>1 in my role.</p> <p>2 Q In 2019 and 2020 -- I'm not asking for any</p> <p>3 communications, anything that was said, but did</p> <p>4 you work with attorneys with respect to anything</p> <p>5 other than vaccine exemption requests?</p> <p>6 A No.</p> <p>7 Q So if an employee disagreed with your</p> <p>8 decision, you might communicate with an attorney?</p> <p>9 A Yes.</p> <p>10 Q And then would you communicate with anyone</p> <p>11 who wasn't an attorney?</p> <p>12 A No.</p> <p>13 Q And did you personally make a decision to</p> <p>14 overturn or reverse any of your decisions?</p> <p>15 A Can you ask that again?</p> <p>16 Q And I should ask that again, yes.</p> <p>17 So if an employee communicated that they</p> <p>18 disagreed with your decision in 2019 with respect</p> <p>19 to a religious exemption request related to the</p> <p>20 flu vaccine, do you recall any times where you</p> <p>21 decided to change your mind and make a different</p> <p>22 decision after the employee communicated with you</p>	<p>59</p> <p>1 but most the times, I do know that it would be</p> <p>2 just repeating that second sentence.</p> <p>3 Q Well, I guess, do you recall ever in 2019</p> <p>4 reviewing exemptions -- while you were reviewing</p> <p>5 exemptions and you believed that an exemption</p> <p>6 request didn't have enough information, did you</p> <p>7 ever tell an employee that they should submit</p> <p>8 additional information?</p> <p>9 MS. MCGRAW: Object to the form.</p> <p>10 A I don't recall.</p> <p>11 Q You don't recall? You don't believe you</p> <p>12 did that?</p> <p>13 A I don't know if I did or didn't.</p> <p>14 Q You don't have any recollection</p> <p>15 whatsoever?</p> <p>16 A No, not from 2019. I can't tell you what</p> <p>17 I ate yesterday.</p> <p>18 Q Do you recall in 2019 with respect to any</p> <p>19 employees' religious exemption request -- did you</p> <p>20 meet with the employee about their request?</p> <p>21 A I did not.</p> <p>22 Q Why not, I guess?</p>
<p>58</p> <p>1 their disagreement regarding the decision?</p> <p>2 A Not based off of their disagreement. If</p> <p>3 they provided more information, then, yes, there</p> <p>4 were times where it would be changed.</p> <p>5 Q What additional information would</p> <p>6 employees provide that might have changed your</p> <p>7 mind, just an example?</p> <p>8 MS. MCGRAW: Object to the form.</p> <p>9 A I don't recall. I don't even recall the</p> <p>10 submissions.</p> <p>11 Q Did you -- when you communicated the</p> <p>12 decisions in 2019 to employees -- I think you</p> <p>13 answered this. So I'm not trying to -- I'm just</p> <p>14 trying to understand. If I recall correctly, you</p> <p>15 did not explain your decision to the employees; is</p> <p>16 that correct?</p> <p>17 A Correct.</p> <p>18 Q And so would you ever tell an employee</p> <p>19 that "I don't think you submitted enough</p> <p>20 information," for example?</p> <p>21 MS. MCGRAW: Object to the form.</p> <p>22 A I don't recall what I was doing in 2019,</p>	<p>60</p> <p>1 MR. KIRSNER: Object to the form.</p> <p>2 Q Was there a reason?</p> <p>3 A That wasn't the way that it worked. They</p> <p>4 submit -- no. I didn't meet with anybody. They</p> <p>5 submit through the ImmunizeUVA, and the forms came</p> <p>6 to me. It wasn't for me to meet with them.</p> <p>7 Q Well, do you think that you might have</p> <p>8 understood their requests better if you met with</p> <p>9 them?</p> <p>10 MS. MCGRAW: Object to the form.</p> <p>11 A That wasn't the way that the program went.</p> <p>12 Q Well, that wasn't my question. I guess my</p> <p>13 question is -- well, have you ever had experience</p> <p>14 where you've received an e-mail from someone and</p> <p>15 then you spoke to them and it helped you</p> <p>16 understand what they were asking better than the</p> <p>17 e-mail?</p> <p>18 MS. MCGRAW: Object to the form.</p> <p>19 Q Do you understand?</p> <p>20 A I do understand.</p> <p>21 Q Has that ever happened to you?</p> <p>22 A Met with the team members or has that --</p>

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16 (61 to 64)

<p>61</p> <p>1 Q No. So I'm asking a hypothetical</p> <p>2 question.</p> <p>3 A Yes, this happened.</p> <p>4 Q Okay. So it has happened that you got an</p> <p>5 e-mail, and then you met with the person; you</p> <p>6 understood them better based on a conversation,</p> <p>7 better than the e-mail. Is that what you're</p> <p>8 answering?</p> <p>9 A I'm answering that I've gotten an e-mail</p> <p>10 and I've talked to them, not met with them. Two</p> <p>11 different things.</p> <p>12 Q Okay.</p> <p>13 A Meeting with someone is this. I would</p> <p>14 talk to them.</p> <p>15 Q Okay. So you've talked to them after</p> <p>16 getting an e-mail, and that has helped you to</p> <p>17 understand what they were asking for in the</p> <p>18 e-mail?</p> <p>19 A Yes.</p> <p>20 Q Probably met with people, too, and done</p> <p>21 that, right?</p> <p>22 A No. I don't meet with people.</p>	<p>63</p> <p>1 MS. MCGRAW: Object to the form.</p> <p>2 A I know what their job is.</p> <p>3 Q Sure.</p> <p>4 A I know what they were hired to do.</p> <p>5 Q Right. So just with the business areas</p> <p>6 that you work with and the employees of which</p> <p>7 you're aware of their duties, do you know if the</p> <p>8 employees in those business areas generally write</p> <p>9 for a living, or do they provide patient care or</p> <p>10 work on medical records or other tasks?</p> <p>11 A They were hired to do patient care.</p> <p>12 Q Okay. So we talked about the process in</p> <p>13 2019 for reviewing flu exemption requests and --</p> <p>14 so you get an e-mail. Tell me if this summary is</p> <p>15 accurate. You would get an e-mail through</p> <p>16 ImmunizeUVA. You would do whatever you do to</p> <p>17 review that, and then you would respond to the</p> <p>18 employee. Is that all correct?</p> <p>19 A That is correct.</p> <p>20 Q And then, at times, employees would</p> <p>21 respond and communicate their disagreement; is</p> <p>22 that fair?</p>
<p>62</p> <p>1 Q Never?</p> <p>2 A Not for clarification on an e-mail.</p> <p>3 Q Never done that in your time while you</p> <p>4 were working in HR for UVA?</p> <p>5 A For clarification on an e-mail?</p> <p>6 Q Sure.</p> <p>7 A No. We're all -- the areas that I support</p> <p>8 are not in the same building as I.</p> <p>9 Q Do you know if most of the employees who</p> <p>10 submitted requests for religious exemption in 2019</p> <p>11 write for a living?</p> <p>12 MS. MCGRAW: Object to the form.</p> <p>13 A I don't know what they do. I don't. Can</p> <p>14 you explain how I would know that?</p> <p>15 Q Well, I guess I'm just asking questions.</p> <p>16 I don't -- I'm not trying to tell you the answer.</p> <p>17 A Right. But you're telling me that I know</p> <p>18 or do I know if they write for a living. I don't</p> <p>19 know what they do.</p> <p>20 Q You generally know what --</p> <p>21 A I don't have --</p> <p>22 Q -- employees do at UVA Health, correct?</p>	<p>64</p> <p>1 A Yes.</p> <p>2 Q And then how would you communicate whether</p> <p>3 you were going to change your mind or not in</p> <p>4 response -- how would you -- well, would you be</p> <p>5 the one to respond to their e-mail about</p> <p>6 disagreement through ImmunizeUVA?</p> <p>7 MS. MCGRAW: Object to the form.</p> <p>8 A Yes.</p> <p>9 Q And so you would send a response. And was</p> <p>10 there generally just that sort of one</p> <p>11 back-and-forth about any disagreement?</p> <p>12 MS. MCGRAW: Object to the form.</p> <p>13 A Yes.</p> <p>14 Q There wasn't like a second-level review</p> <p>15 process or something like that?</p> <p>16 MS. MCGRAW: Object to the form.</p> <p>17 A Unless there was a time where I needed to</p> <p>18 speak with an attorney.</p> <p>19 Q And I'm not asking for anything that was</p> <p>20 said, but do you know approximately how many times</p> <p>21 you spoke with an attorney?</p> <p>22 A I don't.</p>

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17 (65 to 68)

<p>65</p> <p>1 Q Well, do you have any idea how many</p> <p>2 employees responded disagreeing with your</p> <p>3 decision?</p> <p>4 A I don't.</p> <p>5 Q So was it rare, or did they often</p> <p>6 communicate with --</p> <p>7 MS. MCGRAW: Object to the form.</p> <p>8 Q -- about your disagreement --</p> <p>9 MS. MCGRAW: Object to the form.</p> <p>10 Q -- about your disagreement with the</p> <p>11 decision?</p> <p>12 MS. MCGRAW: Object to the form.</p> <p>13 A I don't recall.</p> <p>14 Q And whatever it was -- whatever</p> <p>15 communication it would be about your decision</p> <p>16 would have been through the ImmunizeUVA e-mail?</p> <p>17 A Yes.</p> <p>18 Q Did you say you don't recall what criteria</p> <p>19 you used in 2019 to review exemption requests?</p> <p>20 A I said: I don't recall my replies to</p> <p>21 them.</p> <p>22 Q Okay. So when you reviewed requests, what</p>	<p>67</p> <p>1 there is page numbers. And I'm going to -- if you</p> <p>2 could turn to Page 13 of Exhibit 1. Tell me when</p> <p>3 you're there.</p> <p>4 A I'm there.</p> <p>5 Q And do you see at the top it says,</p> <p>6 "Application to vaccine exemption requests"?</p> <p>7 A Yes.</p> <p>8 Q And then down at the bottom, there is some</p> <p>9 bullet points -- some larger and smaller bullet</p> <p>10 points. There's two large bullet points. The</p> <p>11 first one says, "Dutch Reformed Congregations."</p> <p>12 Do you see that?</p> <p>13 A Yes.</p> <p>14 Q And then there's "Faith healing</p> <p>15 denominations, including Faith Tabernacle; Church</p> <p>16 of the First Born; Faith Assembly; End Times</p> <p>17 Ministry; Church of Christ, Scientist."</p> <p>18 Do you see those?</p> <p>19 A Yes.</p> <p>20 Q And is End Time Ministry supposed to be</p> <p>21 "Ministries"? Do you know?</p> <p>22 A I didn't type it. So I don't know.</p>
<p>66</p> <p>1 criteria did you use to judge their request and</p> <p>2 whether it would be granted or not?</p> <p>3 MS. MCGRAW: Object to the form.</p> <p>4 A It would be based on whether they had</p> <p>5 provided their information, certain religions at</p> <p>6 the time. I don't remember what else.</p> <p>7 Q So they would -- whether they answer the</p> <p>8 questions; is that fair?</p> <p>9 A Yes.</p> <p>10 Q And then what do you mean by "certain</p> <p>11 religions"?</p> <p>12 A There are known religions at the time that</p> <p>13 I would review.</p> <p>14 Q Was Christian Science one of those</p> <p>15 religions?</p> <p>16 A Yes.</p> <p>17 Q If you could go to Exhibit 1, and you'll</p> <p>18 see on the left side there's the slides that --</p> <p>19 well, do you understand this is a PowerPoint? Is</p> <p>20 that</p> <p>21 A Yes.</p> <p>22 Q And then on the left side of the slides,</p>	<p>68</p> <p>1 Q Okay. And these -- I guess are these</p> <p>2 religions or denominations to your understanding?</p> <p>3 A Yes.</p> <p>4 Q Is this the same list from -- that was</p> <p>5 used in 2019?</p> <p>6 A I don't recall if it's all of them.</p> <p>7 Q Was it very similar to this?</p> <p>8 A Yes.</p> <p>9 Q So I want to go back -- I was just asking</p> <p>10 about that list. We'll come back to that Exhibit</p> <p>11 1.</p> <p>12 So back to the review process in 2019.</p> <p>13 Why was -- why were certain religions a part of</p> <p>14 your review process for exemption requests in</p> <p>15 2019?</p> <p>16 A Those were known religions that their</p> <p>17 religion did not support vaccinations.</p> <p>18 Q And so if you saw one of those listed,</p> <p>19 what would happen?</p> <p>20 A Depending on -- well, they'd have to</p> <p>21 provide more information. If their belief</p> <p>22 supported those religions, then they would be</p>

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18 (69 to 72)

<p style="text-align: right;">69</p> <p>1 approved.</p> <p>2 Q So they would have to -- well, what do you</p> <p>3 mean by "their belief supported those religions"?</p> <p>4 A Because you couldn't just type Church of</p> <p>5 Christ. You had to -- or write whatever. You had</p> <p>6 to explain how that particular religion or</p> <p>7 denomination precluded you from obtaining the</p> <p>8 vaccination.</p> <p>9 Q So they might have to say "I am a</p> <p>10 Christian Scientist, and I follow our teaching on</p> <p>11 vaccination, and I would" -- and would that be</p> <p>12 sufficient?</p> <p>13 MS. MCGRAW: Object to the form.</p> <p>14 A They would have to provide more</p> <p>15 information.</p> <p>16 Q What more would they have to provide?</p> <p>17 MS. MCGRAW: Object to the form.</p> <p>18 A How do they live their daily life. How</p> <p>19 did that preclude them from obtaining the</p> <p>20 vaccination.</p> <p>21 Q And, again, I've been asking about the</p> <p>22 2019 process. Do you understand that?</p>	<p style="text-align: right;">71</p> <p>1 Q Would you review whether an employee</p> <p>2 appeared to be sincere?</p> <p>3 A Sincere? Can you explain that.</p> <p>4 Q Well, I guess I don't -- I don't know. I</p> <p>5 would want to know how you understood that, I</p> <p>6 guess, if you did, but if you didn't review that,</p> <p>7 then --</p> <p>8 A It was sincerely held religious belief.</p> <p>9 Q And I'm not asking you as a lawyer. I'm</p> <p>10 just asking about the process. Did you review the</p> <p>11 issue of sincerity with respect to religious</p> <p>12 exemption request and the religious beliefs</p> <p>13 expressed therein in 2019?</p> <p>14 MS. MCGRAW: Object to the form.</p> <p>15 A Yes.</p> <p>16 Q And how would you review that issue?</p> <p>17 A The same way, like if they explained how</p> <p>18 they -- how that -- their religion or their belief</p> <p>19 precluded them from getting the vaccination other</p> <p>20 than just saying "I don't get a vaccination," that</p> <p>21 way.</p> <p>22 Q And I'm not asking for anything that was</p>
<p style="text-align: right;">70</p> <p>1 A Yes.</p> <p>2 Q And then with respect to any that didn't</p> <p>3 list -- I guess you mentioned known religions.</p> <p>4 Just to summarize, to have a shorthand, if I say</p> <p>5 "the known religions," will you understand that</p> <p>6 I'm referring to that list?</p> <p>7 A Yes.</p> <p>8 Q Okay. So if they didn't list a known</p> <p>9 religion, what was the process then?</p> <p>10 A Then they were explaining their belief on</p> <p>11 how -- their religious belief on how it precluded</p> <p>12 them from obtaining the vaccination.</p> <p>13 Q And what criteria would you use to review</p> <p>14 those?</p> <p>15 A The same criteria. They'd have to provide</p> <p>16 how it precluded them from obtaining the</p> <p>17 vaccination.</p> <p>18 Q I guess, did you have anything other than</p> <p>19 that broad criteria you just mentioned? Was there</p> <p>20 any other criteria -- more specific criteria that</p> <p>21 you would use to review?</p> <p>22 A No.</p>	<p style="text-align: right;">72</p> <p>1 said, necessarily, but were you specifically</p> <p>2 trained on how to review these, or did you come up</p> <p>3 with that process yourself?</p> <p>4 A I was trained how to review them.</p> <p>5 Q And were you trained by any non-attorneys?</p> <p>6 A EOCR, an individual -- an attorney and</p> <p>7 EOCR.</p> <p>8 Q I'm sorry. An attorney and EOCR?</p> <p>9 A An individual from EOCR.</p> <p>10 MS. MCGRAW: And I'm -- just to the extent</p> <p>11 that the training occurred at the same time --</p> <p>12 THE WITNESS: Yes.</p> <p>13 MS. MCGRAW: -- with both of them --</p> <p>14 THE WITNESS: Both of them.</p> <p>15 MS. MCGRAW: -- I'm going to ask you not</p> <p>16 to reveal communications with an attorney.</p> <p>17 MR. DIEHL: So you're instructing [REDACTED] not</p> <p>18 to answer with respect to training -- the facts</p> <p>19 about training on how to review religious</p> <p>20 exemptions?</p> <p>21 MS. MCGRAW: I'm instructing [REDACTED] not to</p> <p>22 answer with respect to communications with an</p>

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19 (73 to 76)

<p style="text-align: right;">73</p> <p>1 attorney regarding any matter. 2 BY MR. DIEHL: 3 Q Okay. I just want to know the factual 4 information about the training you received 5 regarding reviewing religious exemptions in 2019. 6 MS. MCGRAW: And I will instruct the 7 witness not to answer to the extent [REDACTED] can only 8 do so by revealing attorney-client communications. 9 Q Is that the case? 10 A Yes. 11 Q Are you going to follow [REDACTED] instruction? 12 A Yes. 13 Q Is there a document that -- well, you 14 mentioned there was a document that you had that 15 provided information about reviewing exemptions; 16 is that correct? 17 A No. I said there were documents that are 18 examples, Word document. 19 Q And you used that document when you 20 reviewed exemption requests -- 21 MS. MCGRAW: Object to the form. 22 Q -- in 2019?</p>	<p style="text-align: right;">75</p> <p>1 Q But it was a website that -- 2 A It was a web -- 3 Q -- said -- well, yeah. Explain what the 4 website is. 5 A It was a website for each different 6 religion. So it was several websites. 7 Q So each different religion that was listed 8 on the known religions? 9 A Yes. 10 Q What about other religious organizations' 11 websites? 12 A I didn't have them saved. 13 Q Okay. So if someone said, for example, 14 "I'm a Southern Baptist," did you review the 15 Southern Baptist website -- 16 MS. MCGRAW: Object to the form. 17 Q -- to the extent there is one? 18 A Yeah. So, no, not Southern Baptist. 19 Q Okay. Why not? 20 A Are you asking did I review their website? 21 Q So -- well, let me just clarify. 22 A So --</p>
<p style="text-align: right;">74</p> <p>1 A No. I used that document during the 2 training. 3 Q So after the training and any review of 4 that document at the training, did you review the 5 document again? 6 A No. 7 Q Did you have any written set of criteria 8 that you used while you were reviewing employee 9 exemption requests in 2019? 10 A No. 11 Q Did you have the list of the known 12 religions? 13 A The sites, yes. 14 Q What do you mean by "sites"? 15 A The sites to the religions saved on my 16 computer, not on a document or written. 17 Q Where was that saved in your computer? 18 A In my favorites under "web browsers." 19 Q Was it a website? 20 A Yes. 21 Q What website was that? 22 A I don't recall.</p>	<p style="text-align: right;">76</p> <p>1 Q Let me just make this more clear. So you 2 had websites saved on your computer with respect 3 to the listed known religions, correct? 4 A Yes. 5 Q Okay. So other than those known 6 religions -- and, I guess, what was the purpose 7 that you had those saved? 8 A So when I had went to one, I would save it 9 for my own purposes. If there was any religion 10 that I did not know, then I would look it up, but 11 if they provide all the information, then you 12 wouldn't have to look it up. 13 Q Okay. So the ones that you knew were the 14 listed known religions? 15 A Yes. 16 Q And what is your faith background? 17 A I'm Baptist. 18 Q What denomination of Baptist? 19 A Christian. 20 Q I mean, is there -- do you attend a 21 church? 22 A I do.</p>

Transcript of [REDACTED]
Conducted on August 27, 2024

20 (77 to 80)

<p>77</p> <p>1 Q What church is that?</p> <p>2 A [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 Q Is that -- is [REDACTED] affiliated</p> <p>5 with a particular Baptist denomination?</p> <p>6 A Just Baptist, just Southern Baptist.</p> <p>7 Q Okay. So it's voluntarily associated with</p> <p>8 a Southern Baptist Convention?</p> <p>9 A Yes.</p> <p>10 Q So with respect to Southern Baptist, for</p> <p>11 example, did you look up -- if an employee listed</p> <p>12 that they were a Southern Baptist, would you look</p> <p>13 up any information about Southern Baptist?</p> <p>14 A It depends on whether they didn't provide</p> <p>15 enough information or not. I can't tell you all</p> <p>16 the ones that I looked up or didn't look up.</p> <p>17 Q Well, I thought you said the ones you're</p> <p>18 familiar with you didn't need to look up.</p> <p>19 A Right. So if they did not provide the</p> <p>20 correct information, as I stated -- so if they</p> <p>21 provide all their information and even with an</p> <p>22 unknown religion but it supports if they -- it</p>	<p>79</p> <p>1 A I don't.</p> <p>2 Q You don't recall a single one?</p> <p>3 A No.</p> <p>4 Q Did you look at many websites of religious</p> <p>5 organizations in 2019 in this process other than</p> <p>6 the known religion websites?</p> <p>7 MS. MCGRAW: Object to the form.</p> <p>8 A I'm sure I have. I don't -- I can't say</p> <p>9 "yes" or "no."</p> <p>10 Q Are the websites related to the known</p> <p>11 religions still saved on your web browser?</p> <p>12 A Probably not because that was in 2019.</p> <p>13 I've had a new computer since then.</p> <p>14 Q What web browser do you use?</p> <p>15 A Outlook.</p> <p>16 Q So I think Outlook is an e-mail program.</p> <p>17 A Oh, yeah.</p> <p>18 Q Do you use Chrome?</p> <p>19 A No.</p> <p>20 Q What web browser? Do you know?</p> <p>21 A I do. I use the "E" -- the one that's got</p> <p>22 the "E" at the bottom.</p>
<p>78</p> <p>1 precludes them and how it precludes them from</p> <p>2 obtaining their vaccination, I didn't need to look</p> <p>3 it up.</p> <p>4 Q When would you have to look up information</p> <p>5 about an employee's religion?</p> <p>6 MS. MCGRAW: Object to the form.</p> <p>7 Q Did you ever?</p> <p>8 A If they didn't provide the information or</p> <p>9 if it's something I needed to look up.</p> <p>10 Q What would that --</p> <p>11 A I don't know.</p> <p>12 Q You have no idea?</p> <p>13 A No. You want me to recall?</p> <p>14 Q Well, was this an important job for you in</p> <p>15 2019? I guess, was it an important part of your</p> <p>16 duties?</p> <p>17 A It was an important part of my duties,</p> <p>18 yes.</p> <p>19 Q So do you remember any religion or</p> <p>20 religious denomination's website that you looked</p> <p>21 up in 2019 other than the known religions that</p> <p>22 were saved in your computer?</p>	<p>80</p> <p>1 Q Do you know what that one is? I don't.</p> <p>2 A Explorer, maybe. It's got an "E" at the</p> <p>3 bottom.</p> <p>4 Q Okay. And the policy by which employees</p> <p>5 were required to get the flu vaccine, that was</p> <p>6 OCH-002; is that correct?</p> <p>7 A Yes.</p> <p>8 Q And so later we'll talk about the COVID-19</p> <p>9 vaccine requirement, but the same policy</p> <p>10 communicated to employees that they needed to get</p> <p>11 their flu vaccine in 2019 and later, when it was</p> <p>12 changed, the COVID vaccine in 2021; is that fair?</p> <p>13 A Yes.</p> <p>14 Q Do you recall the process you used in</p> <p>15 2019, specifically, when you received a request</p> <p>16 that listed a known religion?</p> <p>17 A If they provided all of their information</p> <p>18 to support their known religion, then they would</p> <p>19 be approved where they would get a submission</p> <p>20 stating they were approved.</p> <p>21 Q So what does "all of their information"</p> <p>22 mean?</p>

Transcript of [REDACTED]
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21 (81 to 84)

<p>81</p> <p>1 A If they provided information that</p> <p>2 supported how that religion precluded them from</p> <p>3 obtaining a vaccination.</p> <p>4 Q What do you mean by that, I guess? What</p> <p>5 would they have to provide?</p> <p>6 A They would have to say how they live their</p> <p>7 life, on how this religion is against</p> <p>8 vaccinations, and how it precluded them from</p> <p>9 obtaining it.</p> <p>10 Q By "this religion," do you mean --</p> <p>11 A I was just saying --</p> <p>12 Q Sure.</p> <p>13 A Let me rephrase that. How their</p> <p>14 religion</p> <p>15 Q Yeah. And by "their religion," do you</p> <p>16 mean their denomination or --</p> <p>17 A Yes.</p> <p>18 MS. MCGRAW: And you are asking [REDACTED] about</p> <p>19 if someone submitted on the listed known</p> <p>20 religions.</p> <p>21 MR. DIEHL: I'm asking [REDACTED] how [REDACTED]</p> <p>22 reviewed the information -- the question -- let's</p>	<p>83</p> <p>1 Q And did you already know that since you</p> <p>2 had those religious organizations' websites?</p> <p>3 A Did I know it when?</p> <p>4 Q Well, if they listed one of the known</p> <p>5 religions that you had saved -- you know, the</p> <p>6 religions that you had websites saved on your</p> <p>7 computer, didn't you already know how that</p> <p>8 religion -- what that religion's beliefs were?</p> <p>9 A Yes.</p> <p>10 Q Okay. And so what would the employee have</p> <p>11 to say other than the name or the religion? I</p> <p>12 guess, what --</p> <p>13 A I thought I answered that question.</p> <p>14 Q Well, I'm trying to understand.</p> <p>15 MS. MCGRAW: Object to the form. Asked</p> <p>16 and answered.</p> <p>17 Q Okay. So they would have to say --</p> <p>18 explain the religions that -- their religion's</p> <p>19 beliefs?</p> <p>20 A How it precluded them from obtaining the</p> <p>21 vaccination.</p> <p>22 Q But I guess with -- when we say their</p>
<p>82</p> <p>1 let the witness answer.</p> <p>2 MS. MCGRAW: Okay. I'm objecting to the</p> <p>3 form because --</p> <p>4 MR. DIEHL: Okay.</p> <p>5 MS. MCGRAW: -- I think you switched</p> <p>6 gears, switched somewhere in the middle and</p> <p>7 changed the subject matter.</p> <p>8 MR. DIEHL: Okay.</p> <p>9 BY MR. DIEHL:</p> <p>10 Q So, yeah. We want to be clear, obviously.</p> <p>11 So with respect to someone who listed a known</p> <p>12 religion, then -- we're talking about all the</p> <p>13 information that they would need to provide, and</p> <p>14 you talked about they needed to talk about how --</p> <p>15 well, I guess, now I don't know what I asked. So</p> <p>16 I apologize if I'm asking you to repeat yourself.</p> <p>17 But what would they have to provide -- what was</p> <p>18 all the information that they had provided if they</p> <p>19 listed a known religion?</p> <p>20 A They needed to share how their religion</p> <p>21 supported them not getting a vaccination, how it</p> <p>22 precluded them from not obtaining the vaccination.</p>	<p>84</p> <p>1 religion, are you talking about their religious</p> <p>2 denomination?</p> <p>3 A I thought I answered that question.</p> <p>4 Q Well, yeah. I just want to be clear</p> <p>5 because I don't want to switch trains.</p> <p>6 So is that what you were talking about</p> <p>7 when you --</p> <p>8 A Yes.</p> <p>9 Q -- say their religion?</p> <p>10 A Their denomination, yes.</p> <p>11 Q Okay. So would they have to explain</p> <p>12 something about their denomination in particular?</p> <p>13 A Am I not explaining it correctly? I mean,</p> <p>14 they need to state how it precludes them from</p> <p>15 obtaining the vaccination. They cannot just say</p> <p>16 "I am a Christian Scientist."</p> <p>17 Q Okay. And we're talking about 2019?</p> <p>18 A Yes.</p> <p>19 Q Okay. So they would have to explain that</p> <p>20 how as a Christian Scientist -- for example, how</p> <p>21 that prevents them from being vaccinated?</p> <p>22 A Yes. How the denomination precludes them</p>

Transcript of [REDACTED]
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22 (85 to 88)

<p>85</p> <p>1 from getting vaccinated.</p> <p>2 Q Okay. And then anything else that they</p> <p>3 would have to provide other than what we just</p> <p>4 mentioned?</p> <p>5 A No.</p> <p>6 Q Okay. So now we're switching to</p> <p>7 individuals who submitted that weren't on the</p> <p>8 known religion list. What would you review in</p> <p>9 their application to determine whether to grant or</p> <p>10 deny it?</p> <p>11 A There was no difference between. Same</p> <p>12 thing.</p> <p>13 Q So they would have to explain -- the</p> <p>14 employee would have to explain why their</p> <p>15 denomination teaches that vaccines are wrong or it</p> <p>16 prevents them from being vaccinated and that they</p> <p>17 subscribe to that belief; is that fair?</p> <p>18 MS. MCGRAW: Object to the form.</p> <p>19 A They would have to state why that</p> <p>20 denomination precludes them from obtaining a</p> <p>21 vaccination.</p> <p>22 Q Anything else --</p>	<p>87</p> <p>1 Q Okay. Each year?</p> <p>2 A No.</p> <p>3 Q The process was the same in 2020?</p> <p>4 A I can't remember if it changed in '20 or</p> <p>5 '21. I believe '21.</p> <p>6 Q Okay. So in 2020 -- just talking about</p> <p>7 2020 -- were you the -- still the primary person</p> <p>8 involved in reviewing --</p> <p>9 A Yes.</p> <p>10 Q -- religious exemption requests?</p> <p>11 A Yes.</p> <p>12 Q And you used the same criteria in 2020 as</p> <p>13 you did in 2019?</p> <p>14 A Correct.</p> <p>15 Q And you said that in 2021 it changed?</p> <p>16 A Yes.</p> <p>17 Q And you pointed to Exhibit 1; is that</p> <p>18 right?</p> <p>19 A Yes.</p> <p>20 Q So 2021 -- the Exhibit 1 -- well, why did</p> <p>21 you point to Exhibit 1?</p> <p>22 A Because that was a new process.</p>
<p>86</p> <p>1 A No.</p> <p>2 Q -- that an employee could state in 2019</p> <p>3 and be approved other than what you just talked</p> <p>4 about?</p> <p>5 A I don't remember what else was submitted.</p> <p>6 Q I guess -- so that's the only criteria</p> <p>7 that you recall that you would review and would</p> <p>8 potentially approve exemption requests --</p> <p>9 MS. MCGRAW: Object to the form.</p> <p>10 Q -- in 2019?</p> <p>11 A Yes.</p> <p>12 Q Were you involved in the religious</p> <p>13 exemption review process in 2020?</p> <p>14 A Yes.</p> <p>15 Q And were you involved in 2021?</p> <p>16 A Yes.</p> <p>17 Q With respect to the criteria and reviewing</p> <p>18 employee beliefs that were submitted, were the</p> <p>19 criteria that you reviewed for in 2020 or 2021</p> <p>20 substantially different than the process in your</p> <p>21 review in 2019?</p> <p>22 A It was different.</p>	<p>88</p> <p>1 Q Okay. So Exhibit 1 describes the process</p> <p>2 you used for reviewing religious accommodation</p> <p>3 requests with respect to the flu vaccine and the</p> <p>4 COVID vaccine in 2021?</p> <p>5 A Correct. Yes.</p> <p>6 Q When did you first learn about a new</p> <p>7 process for reviewing exemption requests in 2021?</p> <p>8 A I don't remember the month.</p> <p>9 Q Do you recall approximately when you</p> <p>10 learned that there would be a requirement related</p> <p>11 to the COVID-19 vaccine or vaccines?</p> <p>12 A You mean approximate date?</p> <p>13 Q Well, yeah. The month in 2021.</p> <p>14 A Oh, gosh. Maybe January, February. I'm</p> <p>15 not certain. I don't even remember when the</p> <p>16 vaccine was.</p> <p>17 Q At some point, someone at UVA, I presume,</p> <p>18 had discussions about whether we should have a</p> <p>19 COVID-19 vaccine requirement; is that --</p> <p>20 MS. MCGRAW: Object to the form.</p> <p>21 A I was not a part of that conversation.</p> <p>22 Q Okay. And whenever it was you first</p>

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23 (89 to 92)

<p style="text-align: right;">89</p> <p>1 learned about a COVID vaccine requirement in 2 2021 -- I guess whenever it was in 2021 that you 3 first learned that UVA would have a COVID-19 4 vaccine requirement, was that, to your knowledge, 5 after the decision was made to have that 6 requirement? 7 MS. MCGRAW: Object to the form. 8 A I don't know because I wasn't a part of -- 9 that's higher up. I was not a part of when the 10 decision was made. 11 Q Okay. So how did you learn that there 12 would be a COVID vaccine requirement at UVA? 13 A A communication went out to all the team 14 members. 15 Q Did you first learn about the COVID -- 16 sorry. Let me start over. 17 Did you first learn about the COVID 18 vaccine requirement when all team members learned 19 about the requirement? 20 A Probably a couple days before the 21 announcement. 22 Q Whether or not you were involved in the</p>	<p style="text-align: right;">91</p> <p>1 announcement related to the COVID vaccine -- 2 excuse me. Let me start that over. 3 It's my understanding that the 4 announcement by UVA Health about the COVID vaccine 5 requirement was in August of 2021. Was that 6 correct? Does that seem correct to you? 7 A I don't know when it came out. 8 Q Whenever that requirement was announced, 9 when do you recall discussing any process for 10 reviewing religious exemption requirements related 11 to that vaccine? 12 MS. MCGRAW: Object to the form. 13 A I don't remember. I don't even remember 14 when we had the discussion on this new process. 15 Q We're going to mark Exhibit 2. 16 (Whereupon, Exhibit 2 was marked for 17 identification.) 18 Q So you've been handed Exhibit 2. I'm not 19 asking you to read the whole thing, but do you 20 know if you've seen this document before? You can 21 flip through it, but I don't know that you have. 22 MR. KIRSNER: Sam, do you have an</p>
<p style="text-align: right;">90</p> <p>1 decision, do you know who made decisions to have a 2 COVID vaccine requirement? 3 MS. MCGRAW: Object to the form. 4 A I don't know everyone that made a 5 decision. I just know there was with leadership. 6 Q And who are you referring to when you say 7 "leadership"? 8 A Dr. Kent. 9 Q Do you know of anyone else that you 10 believe was involved in that decision? 11 MS. MCGRAW: Object to the form. 12 (Reporter clarification.) 13 A I don't know if there was a committee, a 14 team of who made that executive decision. 15 Q Okay. Even if you don't know of everyone, 16 do you know others that were involved in that 17 decision? 18 A I don't know who was involved in the 19 decision. I just know that it came through at the 20 Dr. Kent level. So I don't know who was involved 21 in that decision. 22 Q And it's my understanding that the</p>	<p style="text-align: right;">92</p> <p>1 additional copy? 2 MR. DIEHL: I do not. Sorry. 3 A I've seen so many documents. I don't know 4 if this is the -- 5 Q So I'll just represent to you that these 6 are objections and answers to formal questions 7 called interrogatories that we received from 8 University of Virginia's lawyers in this lawsuit. 9 So do you recall seeing this document 10 before? 11 A I can't recall if this is the one I've 12 seen or not. I don't believe so. 13 Q You're saying you believe so or don't 14 believe so? 15 A Yeah. I can't recall if this is the 16 document I've seen or not. 17 Q Okay. I'm going to turn to Page 7 of the 18 document, Exhibit 2. And, actually, it starts on 19 Page 6. There's an interrogatory, which is the 20 question. The question -- do you see there on the 21 bottom of Page 6, it says, "Provide the following 22 information for any meeting, program, or online</p>

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24 (93 to 96)

<p style="text-align: right;">93</p> <p>1 training you offered, provided, or organized for 2 any of your employees related to or touching on 3 any type of vaccine exemption, including without 4 limitation any training which the materials 5 attached to Exhibit A to the Third Amended 6 Complaint were discussed." 7 So do you see where I read that? 8 A Yes. 9 Q And if you recall, Exhibit 1 has an 10 Exhibit A marked on it. I'll just represent to 11 you that these are the Exhibit A we're referring 12 to. 13 A Okay. 14 Q Down on Page 7, there's an answer to that 15 question that talks about a training held on 16 July 1st, 2021, at McKim Hall. Do you see where 17 I'm reading? 18 A Yes. 19 Q Do you recall being at a training on July 20 1st, 2021, at McKim Hall at which Exhibit 1 -- 21 Deposition Exhibit 1 was discussed? 22 A Yes.</p>	<p style="text-align: right;">95</p> <p>1 training was" -- or excuse me. It says, "The 2 attendees were Melissa Frederick, [REDACTED] 3 [REDACTED] Nicole 4 Thompson." 5 Do you see that? 6 A Yes. 7 Q And it says, "and possibly [REDACTED] 8 [REDACTED] and/or [REDACTED]"? 9 A Yes. 10 Q Do you recall if [REDACTED] or [REDACTED] 11 [REDACTED] was present at the training on July 1st, 12 2021? 13 A I don't recall if they were there or not. 14 Q Okay. Do you know why these people listed 15 here were present at that training? 16 A We were invited to be at the training, and 17 certain individuals were part of the committee. 18 Q What committee are you referring to? 19 A The Religious Review Committee. 20 Q And who are the members of that committee? 21 A Myself, [REDACTED] 22 [REDACTED] and [REDACTED].</p>
<p style="text-align: right;">94</p> <p>1 Q And is that, to your knowledge, when you 2 learned that there would be a different process in 3 2021 -- 4 A Yes. 5 Q -- than the 2019 and 2020 process? 6 A Yes. 7 Q Okay. And you were present at that 8 training when it was in person? 9 A Yes. 10 Q Do you know why -- it says the attendees 11 were -- I'm continuing on to the answer to 12 Interrogatory 3 on Page 7 of Exhibit 2. Do you 13 see where it says in approximately the middle of 14 the paragraph the attendees were Melissa 15 Frederick -- do you see where I'm reading? 16 A You said Number 3? 17 Q Yes. The answer to Interrogatory Number 18 3. 19 A Oh, okay. 20 Q Sorry. There's a lot of numbers. 21 A Okay. Yes. 22 Q In the middle there, it says, "The</p>	<p style="text-align: right;">96</p> <p>1 Q Are those people you just listed, members 2 of the committee -- are those all HR business 3 partners? 4 A Yes. 5 Q And are they all HR business partners that 6 work with different parts of UVA Health? 7 A Yes. 8 Q Do you know why those HR business partners 9 and not others were selected? 10 MS. MCGRAW: Object to the form. 11 A I don't. 12 Q Setting aside Exhibit 2 for the moment, 13 how did the review process for religious exemption 14 requests related to -- well, let me ask you this. 15 Let me just step back for a second. 16 In 2021 after you learned about the new 17 process, was it fair to say -- do you know what 18 I'm saying when I say "the new process"? 19 A Yes. 20 Q Okay. So that's the process discussed in 21 Exhibit 1? 22 A Yes.</p>

Transcript of [REDACTED]
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25 (97 to 100)

<p style="text-align: right;">97</p> <p>1 Q And did that new process described in</p> <p>2 Exhibit 1 apply to flu vaccine exemption requests</p> <p>3 as well as COVID vaccine exemption requests?</p> <p>4 A Yes.</p> <p>5 Q And so there wasn't a difference in 2021</p> <p>6 -- or, I guess, after July 1st, 2021, there was</p> <p>7 not a difference in the way that you and others on</p> <p>8 the committee reviewed flu vaccine exemption</p> <p>9 requests and COVID vaccine exemption requests?</p> <p>10 A There was not.</p> <p>11 Q How was -- the new 2021 process, how was</p> <p>12 it different than the 2019 process?</p> <p>13 MS. MCGRAW: Object to the form.</p> <p>14 A There was a committee.</p> <p>15 THE WITNESS: Sorry.</p> <p>16 A There was a committee.</p> <p>17 Q And anything other than the committee that</p> <p>18 was different?</p> <p>19 MS. MCGRAW: Object to the form.</p> <p>20 A In the reviewing process that you have in</p> <p>21 front of you.</p> <p>22 Q Okay.</p>	<p style="text-align: right;">99</p> <p>1 Q So rather than sending an e-mail back and</p> <p>2 forth, there would be a communication sent to the</p> <p>3 employee through the VaxTrax system?</p> <p>4 A Yes.</p> <p>5 Q And how -- when you said the</p> <p>6 committee would -- well, the committee -- could</p> <p>7 the committee review requests together?</p> <p>8 A At times, yes.</p> <p>9 Q And then at times not?</p> <p>10 A Correct.</p> <p>11 Q I guess explain that -- explain when --</p> <p>12 explain how that worked, I guess.</p> <p>13 MS. MCGRAW: Object to the form.</p> <p>14 A So everyone would get a specific number</p> <p>15 they would review. If there were any questions</p> <p>16 or any -- if they needed to discuss as a group,</p> <p>17 then they would hold those off until we met and</p> <p>18 discussed.</p> <p>19 THE WITNESS: Can I take a quick break?</p> <p>20 MR. DIEHL: Sure.</p> <p>21 (Whereupon, a recess was taken.)</p> <p>22 BY MR. DIEHL:</p>
<p style="text-align: right;">98</p> <p>1 A The review process is different.</p> <p>2 Q Can you walk me through the process for</p> <p>3 reviewing religious exemption requests related to</p> <p>4 the COVID vaccine or the flu vaccine in 2021.</p> <p>5 MS. MCGRAW: Object to the form.</p> <p>6 A When they would submit through VaxTrax, an</p> <p>7 employee would submit their request through</p> <p>8 VaxTax, they would review -- we would review the</p> <p>9 submissions based off of the criteria within the</p> <p>10 document, Exhibit A -- 1, and then they would get</p> <p>11 their denial or approval in VaxTrax.</p> <p>12 Q And when was -- you said that VaxTrax was</p> <p>13 not used in 2019. Was it used in 2020?</p> <p>14 A Yes.</p> <p>15 Q So that was a new system that was</p> <p>16 purchased or implemented by UVA?</p> <p>17 A It was a new system implemented, yes.</p> <p>18 Q Okay. So when using the VaxTrax system</p> <p>19 versus the e-mail system that you used before, was</p> <p>20 there anything different other than the format and</p> <p>21 how that worked in 2019 versus 2020?</p> <p>22 A No.</p>	<p style="text-align: right;">100</p> <p>1 Q We were talking about the 2021 process</p> <p>2 that UVA Health used for reviewing religious</p> <p>3 exemption requests related to the COVID and flu</p> <p>4 vaccine requirements. Do you recall that?</p> <p>5 A Yes.</p> <p>6 Q To your knowledge, was the process used by</p> <p>7 UVA Health the same as the process used by the</p> <p>8 academic side of UVA?</p> <p>9 MS. MCGRAW: Object to the form.</p> <p>10 A I'm not certain about the academic side,</p> <p>11 their process.</p> <p>12 Q Well, whether you're certain or not, do</p> <p>13 you believe -- do you understand it was generally</p> <p>14 the same?</p> <p>15 MS. MCGRAW: Object to the form.</p> <p>16 A I don't know because their process is</p> <p>17 different and their requirements are different.</p> <p>18 Q How is their process different?</p> <p>19 A The academic employees were not required</p> <p>20 to obtain a flu vaccine.</p> <p>21 Q Other than not requiring the flu vaccine</p> <p>22 with respect to the COVID vaccine, do you know</p>

Transcript of [REDACTED]
Conducted on August 27, 2024

26 (101 to 104)

<p>101</p> <p>1 any --</p> <p>2 A I don't recall --</p> <p>3 Q -- differences in the policy?</p> <p>4 A Yeah. I don't recall if the academic side</p> <p>5 was required to do it or not.</p> <p>6 Q And you don't know if someone -- who was</p> <p>7 responsible for reviewing religious exemption</p> <p>8 requests on the academic side?</p> <p>9 MS. MCGRAW: Object to the form.</p> <p>10 A Do I know someone that was?</p> <p>11 Q Yes. Do you know if there was someone?</p> <p>12 A I know that there was a committee, yes.</p> <p>13 Q Was that made up of HR business people?</p> <p>14 MS. MCGRAW: Object to the form.</p> <p>15 A I don't know everybody that was on the</p> <p>16 committee, but I don't know if it was all HR,</p> <p>17 either, because I wasn't on the academic side. I</p> <p>18 only focused on the medical center.</p> <p>19 Q But you-all work out of the same HR area?</p> <p>20 A We're not in the same building.</p> <p>21 Q Okay. About how big is the HR department</p> <p>22 that you work in?</p> <p>102</p> <p>1 A Maybe 300.</p> <p>2 Q About how many team members are there that</p> <p>3 work for UVA Health?</p> <p>4 MS. MCGRAW: Object to the form.</p> <p>5 A Maybe 10,000 or more. I don't know.</p> <p>6 Q Do you know if that is substantially</p> <p>7 different now than it was in 2021?</p> <p>8 A I don't know what the numbers are now.</p> <p>9 Q Do you know how many employees work in the</p> <p>10 areas of UVA Health for which you had</p> <p>11 responsibility in 2021?</p> <p>12 MS. MCGRAW: Object to the form.</p> <p>13 A No.</p> <p>14 Q You don't know?</p> <p>15 A No. It's too many.</p> <p>16 Q So, yeah. I guess I understand there was</p> <p>17 a committee that reviewed exemption requests and</p> <p>18 you said that sometimes you meet together and</p> <p>19 sometimes you'd meet -- I guess you would not</p> <p>20 meet; is that correct?</p> <p>21 A No. I said sometimes we would review as a</p> <p>22 group, but we definitely met twice a week.</p>	<p>103</p> <p>1 Q Okay. And then you would get together to</p> <p>2 talk about questions. If you didn't have a</p> <p>3 question about a request or if the individual</p> <p>4 reviewer didn't have a question about the request,</p> <p>5 did that individual reviewer make the final</p> <p>6 decision?</p> <p>7 A Yes.</p> <p>8 Q And other members of the committee did not</p> <p>9 review those final decisions?</p> <p>10 A No.</p> <p>11 Q And if this training that's discussed in</p> <p>12 Exhibit 1 was on July 1st, 2021, do you know when</p> <p>13 the committee started to meet?</p> <p>14 A I don't know. I don't know if it was like</p> <p>15 months -- I mean, a month after that. I don't</p> <p>16 recall. I know we met on two days out of the</p> <p>17 week. I don't know when it started.</p> <p>18 Q Well, if you just assume that -- I'll</p> <p>19 represent to you that I understand that the</p> <p>20 requirement was communicated -- excuse me. Let me</p> <p>21 start over.</p> <p>22 It's my understanding that the requirement</p> <p>104</p> <p>1 that employees be vaccinated for COVID-19 was</p> <p>2 communicated in August of 2021. Do you know if</p> <p>3 the committee meeting regularly coincided with</p> <p>4 when that was announced?</p> <p>5 A I would assume, yes.</p> <p>6 Q And so do you know how long -- and then I</p> <p>7 understand that employees were required -- excuse</p> <p>8 me. Let me start over.</p> <p>9 I understand that employees -- well, I'll</p> <p>10 just ask you. I'm not -- so when did -- when were</p> <p>11 employees who were not granted exemptions required</p> <p>12 to be vaccinated?</p> <p>13 A I want to say it was November. I could be</p> <p>14 off on the month. I believe it was November.</p> <p>15 Q And did the committee meet from sometime</p> <p>16 in August through that -- whatever that date was?</p> <p>17 A Yes.</p> <p>18 Q And other than Exhibit 1, were there any</p> <p>19 documents that individual reviewers used -- when I</p> <p>20 say "individual reviewers," do you know what I'm</p> <p>21 saying?</p> <p>22 A Yes.</p>
---	--

Transcript of [REDACTED]
Conducted on August 27, 2024

27 (105 to 108)

105
1 Q So that would be a member of the
2 committee?
3 A Yes.
4 Q So when you were reviewing as a reviewer
5 member of the committee, did you use any documents
6 to help guide or assist your review of exemption
7 requests submitted through VaxTrax?
8 A No. Other than the training.
9 Q So you would return to the training?
10 A No. The training prior to meeting.
11 Q Okay. So you didn't --
12 A That would be me. I can't speak for the
13 others.
14 Q Sorry. Was that because you have more
15 experience than the other members of the
16 committee?
17 MS. MCGRAW: Object to the form.
18 A No. I just didn't go back to the form --
19 I don't know if the others did or didn't -- or
20 PowerPoint.
21 Q Do you -- well, were any other members of
22 the Religious Exemption Review Committee from 2021

106
1 -- were any of those individuals involved in
2 vaccine exemption requests before that committee
3 was formed?
4 MS. MCGRAW: Object to the form.
5 A Not that I'm aware of.
6 Q Well --
7 A Because they could have done it somewhere
8 else.
9 Q Okay. And I'll ask you again because of
10 your attorney's objection but not explaining why.
11 So with respect to the committee members
12 that were part of the exemption -- well, I'm
13 asking you this question about the Religious
14 Exemption Committee members from 2021. Do you
15 understand that?
16 A Yes.
17 Q Okay. So with respect to those
18 individuals, had any of those individuals been
19 involved in reviewing religious exemption requests
20 on behalf of UVA, to your knowledge, before 2021?
21 A No.
22 Q Were you the chair of the committee?

107
1 A No.
2 Q Was there -- did you have any specific
3 role other than just a member of that committee?
4 A Other than -- just committee member.
5 Q Was it your understanding, based on the
6 training that you received, that all committee
7 members were to review exemption requests using
8 the same criteria that is described in Exhibit 1
9 to this deposition?
10 A That is correct.
11 Q How was the -- whether you're looking at
12 Exhibit 1 or otherwise, how was the process in
13 2021 different than in 2019 and 2020 other than
14 there was a group of people reviewing and not just
15 you?
16 A I remember reviewing the criteria was
17 separate -- different.
18 Q Can you explain that either looking at
19 Exhibit 1 or just your understanding.
20 A Yeah. I don't know the PowerPoint off the
21 top of my head. So
22 Q Okay. Just take your time. When you get
108
1 to where you're looking for, just tell me -- just
2 tell us what page number you're on.
3 A I'm going to name several pages.
4 Q Sure.
5 A So I'm going to name Page 8. Page 8 was
6 the biggest difference between --
7 Q Explain why -- what Page 8 was different
8 -- or, you know, explain what you're talking
9 about.
10 A Page 8 is undue hardship. So an employee
11 can demonstrate undue hardship by showing the
12 proposed accommodation and how it would be --
13 Q And I'm intentionally interrupting you,
14 not to be rude, but you said "employee."
15 A Employer. Sorry. My apologies.
16 Q If you could start over. I did interrupt,
17 but I thought that might be helpful.
18 A Yep. "The employer can demonstrate undue
19 hardship by showing that the proposed
20 accommodation would pose "more than" -- I can't
21 say that -- "'a de minimus cost or burden.' Undue
22 hardship will be determined separate and apart

Transcript of [REDACTED]
Conducted on August 27, 2024

28 (109 to 112)

109
1 from granting and denying an exemption."
2 That was different than what we did in '19
3 and in '20.
4 Q Was there any consideration of undue
5 hardship in 2019 or 2020?
6 A No.
7 Q And what was the process related to undue
8 hardship in 2021 --
9 MS. MCGRAW: Object to the form.
10 Q -- if there was one?
11 A I didn't handle that part. That was
12 handled by others.
13 Q Who handled that?
14 A Melissa Frederick and Melissa Riley.
15 Q Do you know what criteria was used with
16 respect to undue hardship?
17 A I don't. And, also, my apologies. I need
18 to add one more. Sifri -- Dr. Sifri was also
19 involved in that process.
20 Q What, if anything, do you know about the
21 process that was involved related to undue
22 hardship?

110
1 A All I know is that they would review where
2 a person worked and if that had an undue hardship
3 on the department, and outside of that, I don't
4 know what criteria they used to determine whether
5 it was a yes or a no.
6 Q Do you know if there were individuals that
7 a member of the committee decided should be
8 granted a religious exemption but then they
9 ultimately were denied because of an undue
10 hardship?
11 A I don't think anyone was approved and then
12 changed to denial. I think the decision was made
13 before the team member received their decision.
14 Q How would that change the process for
15 reviewing the exemption if they were -- there was
16 a determination made before your committee
17 reviewed them?
18 MS. MCGRAW: Object to the form.
19 A Can you explain?
20 Q Well, I guess I should just ask you. You
21 said that you don't think that the undue hardship
22 -- any consideration related to undue hardship

111
1 occurred after decisions were made. You believe
2 it occurred before decisions were made by the
3 Exemption Review Committee; is that correct?
4 A Correct. So my understanding -- again, I
5 wasn't part of that process. My understanding is:
6 If Jane -- using that as an example as a team
7 member -- was approved but then, depending on
8 where they worked, was put on the list for review
9 for the undue hardship. But, again, I wasn't a
10 part of that process.
11 Q Did you ever see a list of places where
12 people would work where we wouldn't grant a
13 request?
14 A No. It was a list of the individuals that
15 was on the undue hardship.
16 Q But there was an undue hardship list?
17 A Yes.
18 Q Was that a spreadsheet, or was it a
19 document? What do you recall about the list?
20 A I believe it was an Excel spreadsheet.
21 Q So other than Slide 8 -- and I'm pointing
22 you back to Exhibit 1 to this deposition. Other

112
1 than Page 8, do you recall any -- well, as you
2 review it or as you recall, do you recall any
3 differences between the criteria and process used
4 in 2019 or 2020 regarding vaccine exemption
5 request approval?
6 A Not the --
7 MS. MCGRAW: Object to the form.
8 Go ahead.
9 A Not the criteria. Process is different.
10 Q Explain what is different about the
11 process.
12 A It was reviewed as a committee versus one
13 individual.
14 Q So the same criteria were used. It's just
15 you split it up, and then you would talk about
16 questions?
17 A Yes. Correct.
18 Q Okay. Did anyone -- when you're meeting
19 as a committee, did people ask you about the
20 process since you had been through it for a couple
21 of years?
22 A No. We just -- sorry. Could you explain

Transcript of [REDACTED]
Conducted on August 27, 2024

29 (113 to 116)

113

1 that question.
2 Q I guess you had more experience than other
3 reviewers in 2021; is that fair?
4 A Yes.
5 Q And did people go to you with questions or
6 ask you questions because of your additional
7 experience?
8 A No. They would hold their questions for
9 when we're as a committee, and they would ask --
10 Q Go ahead.
11 A And each individual was given an
12 opportunity to ask their question to the entire
13 group, not specifically me.
14 Q And then the group would talk about --
15 A Yes.
16 Q Were there common questions that came up
17 that the committee talked about?
18 MS. MCGRAW: Object to the form.
19 A I don't remember the questions that came
20 up.
21 Q You can't remember any of them?
22 A No.

114

1 Q You don't remember just the general issues
2 that came up that were discussed by the committee?
3 A It would be based off of the submissions,
4 and I don't remember what the submissions were.
5 Q So they would be questions specific to an
6 employee's request?
7 A Yes.
8 Q But do you recall themes of issues that
9 came up among many requests?
10 A Yes. There was a standard theme of like
11 template letters that would come through.
12 Q Any other broad issues that you believe
13 came up?
14 MS. MCGRAW: Object to the form.
15 Q Well, any other issues that you recall
16 came up?
17 A Yeah. I remember there was a theme of the
18 letters.
19 Q So other than template letters, you don't
20 recall any issues that were discussed by the
21 committee?
22 MS. MCGRAW: Object to the form.

115

1 A I don't. It was -- I don't.
2 Q Do you know why employees might have
3 submitted similar letters or template letters?
4 MS. MCGRAW: Object to the form.
5 A I don't know why they submitted it.
6 Q When I say "template letters," that would
7 have been -- what are you referring to?
8 A A letter format that wrote -- explained
9 why they should be precluded from vaccination.
10 Q So a letter that might have come from a
11 source other than themselves?
12 A Yes.
13 Q And do you know -- well, let me ask you
14 this: Did any member of the committee try to find
15 the source of letters that were submitted by
16 multiple employees?
17 A There was sources that was showing the
18 template letters, yes.
19 Q And did somebody look online?
20 A Yes.
21 Q Did you?
22 A We all did.

116

1 Q When you asked employees about that, what
2 did they say?
3 MS. MCGRAW: Object to the form.
4 A We didn't ask employees about it.
5 Q Why not?
6 A It wasn't an interactive process.
7 Q Well, you understand that there's
8 different reasons why someone might use a template
9 letter, fair?
10 A Yes.
11 MR. KIRSNER: Object to the form.
12 Q To your knowledge, why would somebody use
13 a template letter?
14 A I can't tell you why other than the fact
15 to submit for a COVID vaccine. Each person
16 chooses their own decision on why they submit it.
17 Q But to know why they used a template
18 letter, you'd have to ask them, correct?
19 MS. MCGRAW: Object to the form.
20 A Again, I don't know why they submit it.
21 Each individual submitted to obtain a request for
22 -- against the flu or COVID vaccination, but I

Transcript of [REDACTED]
Conducted on August 27, 2024

30 (117 to 120)

117

1 **can't tell you why they submitted it.**
2 Q I guess, do you know how, during that
3 process, the committee could have found out why an
4 employee used a template letter?
5 MS. MCGRAW: Object to the form.
6 **A That wasn't my decision. I was --**
7 Q I guess that wasn't my question. My
8 question was: Do you know how the committee could
9 have obtained that information?
10 **A No. How?**
11 Q You weren't aware that, like, for example,
12 the committee could have asked the employee why
13 they used a template?
14 MS. MCGRAW: Object to the form.
15 Argumentative.
16 **A Again, that wasn't part of the process.**
17 Q I guess -- I understand it wasn't part of
18 the process. I'm just asking: In 2021, is it
19 fair to say that you were aware that if you
20 received a letter that was a template letter, you
21 or another member of the committee could have
22 asked that employee why they used a template?

118

1 MS. MCGRAW: Object to the form.
2 **A If it was an interactive process, yes.**
3 Q And the employee might have said, "I
4 didn't know what to say, but this expresses my
5 belief. So I used it." That could be one answer?
6 MS. MCGRAW: Object to the form.
7 **A I couldn't tell you what the employee**
8 **would say. That's speculation.**
9 Q Right. To know that, you'd have to ask
10 them?
11 MS. MCGRAW: Object to the form.
12 **A Again, that's why I can't say why they**
13 **submitted it or used it.**
14 Q But is it correct that to know why they
15 used it, you would have to ask the employee?
16 Correct?
17 MS. MCGRAW: Object to the form.
18 **A Yes.**
19 Q Okay. Did members of the committee write
20 down why they approved or denied a particular
21 request?
22 **A Not that I'm aware of.**

119

1 Q Did you?
2 **A No.**
3 Q Were you -- did you understand that you
4 were not supposed to write down why you approved
5 or denied requests?
6 MS. MCGRAW: Object to the form.
7 **A I wasn't supposed to? Why was I not**
8 **supposed to? I don't understand that question.**
9 Q That's what I'm asking. I'm asking if
10 there was some -- did you have some understanding
11 that you were not supposed to write them down?
12 **A No.**
13 MS. MCGRAW: Object to the form, and,
14 also, if we're going to start getting into
15 communications with counsel, I'll caution the
16 witness not to reveal communications with counsel.
17 Q When the decision was communicated to
18 employees, that was through VaxTrax, correct?
19 **A Correct.**
20 Q So when the decision about the request was
21 communicated with the employee, was there an
22 explanation of why the request was denied?

120

1 **A No. It was a standard reply.**
2 Q And what if -- just there was some
3 information missing that the employee didn't
4 include? Were they told that?
5 MS. MCGRAW: Object to the form.
6 **A No.**
7 Q How would they have known to submit the
8 information that was necessary?
9 **A The questions are there, and there was**
10 **specific questions.**
11 Q So if they didn't know that the question
12 called for specific information, then they
13 wouldn't have been told later that "you forgot to
14 put in certain information"?
15 MS. MCGRAW: Object to the form.
16 **A No. We were not there to write it for**
17 **them.**
18 Q Was the training materials -- their
19 PowerPoint that's been marked Exhibit 1 to the
20 deposition, was that made public before -- well,
21 while the committee was meeting in 2021?
22 **A Public to who?**

Transcript of [REDACTED]
Conducted on August 27, 2024

31 (121 to 124)

121
1 Q To employees generally at UVA.
2 A **Not that I'm aware of.**
3 Q Were employees of UVA otherwise informed
4 of the criteria that the committee members were
5 using to approve or deny requests?
6 A **Not that I'm aware of.**
7 Q Did the committee use any criteria for
8 deciding whether an employee was sincere in what
9 they wrote?
10 A **Based off of what's here in Sincerely**
11 **Held.**
12 Q But anything --
13 A **Outside of that --**
14 Q -- anything specific that you recall from
15 your review that -- any specific criteria that you
16 used for deciding whether an employee was sincere
17 in what they wrote?
18 A **It just depends on what they submitted,**
19 **and I can't remember what was submitted.**
20 Q Let's mark Exhibit 3.
21 (Whereupon, Exhibit 3 was marked for
22 identification.)

122
1 Q So we've marked Exhibit 3. I'll just
2 represent that I obtained this from the website
3 LinkedIn, and if you can take a look at Exhibit 3
4 and tell me if this is consistent with what you --
5 with the information you provided on your LinkedIn
6 profile?
7 A **Yes. Yes.**
8 Q On the second page of 5 pages, the
9 first -- well, do you see how there's different
10 sort of positions listed or titles listed and then
11 bullet points under those?
12 A **Uh-huh.**
13 Q And do you see that -- that's a "yes"?
14 A **Yes. Sorry. Sorry.**
15 Q And, again, that's not --
16 A **Out of habit.**
17 Q Yeah. It's not a normal thing to do
18 because I understood what you meant. So just --
19 A **Yes. Yes.**
20 Q On the second page, it's listed "vaccine
21 project manager." Do you see that?
22 A **Yes.**

123
1 Q And that says, "September 2021 to August
2 2022"?
3 A **Yes.**
4 Q Was that a formal title?
5 A **Yeah. It was -- yes.**
6 Q Explain what that title was.
7 A **It was during the whole COVID vaccine**
8 **process, and I was the HR -- part of the project**
9 **management for the COVID vaccine. And so that**
10 **would be my responsibility of that -- part of that**
11 **committee.**
12 Q Was there multiple project managers?
13 A **Yes.**
14 Q And so that would be the committee
15 members?
16 A **Yes.**
17 MS. MCGRAW: I'm going to object to the
18 form to the extent we haven't identified the
19 committee.
20 A **No. No. There's too many members for**
21 **that committee.**
22 Q There's too many what?

124
1 A **There's a lot of members in that**
2 **committee.**
3 Q During the period listed here, September
4 2021 --
5 A **Yes.**
6 Q -- to August 2022?
7 A **Yes.**
8 Q If you could turn to Exhibit 2 for a
9 moment. On Page 4 -- well, starting on Page 3,
10 there's an Interrogatory Number 1 on Page 3. Do
11 you see that?
12 A **Yes.**
13 Q And do you see -- if you could just read
14 Interrogatory Number 1, do you see that it's
15 talking about current or former employees of UVA?
16 And I'm adding UVA.
17 A **Yeah.**
18 Q Do you understand that it's asking about
19 UVA employees?
20 A **Yes.**
21 Q Okay. "Who had any responsibility for, or
22 duties related to, the development,

Transcript of [REDACTED]
Conducted on August 27, 2024

32 (125 to 128)

125
1 implementation, application, or evaluation of any
2 COVID vaccine policy," and then asks for
3 information about those.
4 Do you see that?
5 A Yes.
6 Q So then if you turn to the next page, then
7 there's an answer to Interrogatory 1.
8 Do you see that?
9 A Yes.
10 Q And that's information -- I'll just
11 represent to you that that's information that UVA
12 provided, and then it talks about -- it lists
13 Dr. Craig Kent, Wendy Horton, and Costi Sifri.
14 Do you see that?
15 A Yes.
16 Q And then at the bottom of Page 4, it talks
17 about "individuals with assistance and advice from
18 counsel had primary responsibility for the review
19 of religious exemption requests related to the
20 COVID vaccine policy from July 1st, 2021, through
21 August 2022"?
22 A Yes.

126
1 Q Okay. If you could review that list of
2 people and tell me if that's the correct list.
3 MS. MCGRAW: Are you asking --
4 A That's correct for this, but that's not
5 the same as this.
6 Q I'll come back to that.
7 A So are you asking me are these the
8 committee members for the review for religious
9 exemption?
10 Q So let's break that down. So you're
11 pointing to --
12 A Page 5.
13 Q -- the bottom of Page 4 and Page 5. Do
14 you see Melissa Frederick at the bottom of Page 4?
15 A Yes.
16 Q Was she a member of the Exemption Review
17 Committee?
18 A She attended the meetings, but --
19 Q But she was not --
20 A -- she was not reviewing.
21 Q And then -- so with respect to the
22 Exemption Review Committee, these are the members

127
1 that are listed here?
2 A Yes.
3 Q That's for the period of time from
4 July 1st, 2021, through August -- approximately
5 August 2022?
6 A Yes.
7 Q Okay. So now back to vaccine project
8 manager. How is that different than Exemption
9 Review Committee?
10 A Because that's the Religious Exemption
11 Committee, but then there was the project for the
12 vaccine that consisted of people -- health system
13 members, RNs, project managers. It was a
14 different group than the Religious Exemption
15 Review Committee. So that was -- and people of
16 HR, and that was part of giving out communications
17 and different stuff, different from a Religious
18 Exemption Committee.
19 Q So, yeah. So that would have been a much
20 broader group of people with --
21 A Yes.
22 Q -- not just talking about exemptions?

128
1 MS. MCGRAW: Object to the form.
2 A Correct.
3 Q And I'll try to be clear, but let me know
4 if I'm not clear. But you talked -- on Exhibit 3,
5 there's a bullet point that talks about
6 maintaining ongoing process for all new hires to
7 ensure compliance.
8 A Yes.
9 Q Going back to the committee and
10 exemptions, what was the process for reviewing
11 exemptions that were submitted by an applicant?
12 A They would have to submit through
13 Qualtrics. It's called Qualtrics. It's a system.
14 Q Sorry. Is that Q-U --
15 A Q-U-A-L-T-R-I-X [sic], Qualtrics.
16 They would have to submit their
17 information through there. It would go to a UVA
18 -- and I don't remember. I think it's UVA Health,
19 I think, Vaccines. I remember the e-mail went to
20 a generic e-mail address that came to the
21 committee members that would review it, and they
22 would give their response that way prior to hire.

Transcript of [REDACTED]
Conducted on August 27, 2024

33 (129 to 132)

129

131

1 Q It was a different system. Qualtrics
2 instead of VaxTrax; is that correct?
3 A Correct. Because VaxTrax is for team
4 members.
5 Q So other than the system where they
6 submitted information, was the review process for
7 exemptions the same?
8 A Yes.
9 Q And the criteria for reviewing an
10 applicant's exemption request in the fall of 2021
11 was the same as reviewing COVID vaccine exemption
12 requests for a team member?
13 A Yes.
14 Q And you may have said this, but the same
15 Religious Exemption Committee was to review
16 applicant submissions through Qualtrics and team
17 member submissions through VaxTrax?
18 A Yes.
19 Q Did the committee members ever talk about
20 the fact that if exemption requests were denied,
21 that employees might be fired?
22 MS. MCGRAW: Object to the form.

130

1 A No. It was -- an employee was only
2 possibly terminated if they didn't obtain the
3 vaccine by a certain date. That wasn't for us to
4 determine.
5 Q But you knew that that was -- for
6 employees who sincerely believed that they could
7 not be vaccinated because of their religious
8 beliefs, you knew that the inevitable result of a
9 denial of their exemption request would be their
10 termination, correct?
11 MS. MCGRAW: Object to the form.
12 A No. Because they can get a denial and
13 then obtain the vaccine. So
14 Q Right. Well, let me ask you this: If
15 someone's religious beliefs prevent them from
16 being vaccinated and those beliefs are real, one
17 way to know that is if they follow through and
18 don't obtain the vaccine?
19 MS. MCGRAW: Object to the form. Calls
20 for speculation.
21 Q Is that fair?
22 A I can't answer that.

1 Q You can't know that?
2 A It's not for me to determine that.
3 Q I know it's not for you to determine that,
4 but logically?
5 MS. MCGRAW: Same objection. Calls for
6 speculation.
7 A I can't answer that.
8 MS. MCGRAW: Argumentative.
9 MR. DIEHL: I wasn't trying to be
10 argumentative if it seemed like it. I'm just
11 trying to understand.
12 Q So I guess you understood that some of the
13 people who are denied would -- the denial would
14 result in their termination, fair?
15 MS. MCGRAW: Object to the form.
16 A I understood if they weren't vaccinated by
17 November 1, then it's a possibility per policy
18 that they would be terminated.
19 Q And they wouldn't be terminated if they
20 were granted an exemption, fair?
21 A They wouldn't be terminated. That is not
22 accurate.

132

1 Q Well, as a result of not receiving a COVID
2 vaccine?
3 MS. MCGRAW: Object to the form.
4 A Yeah. I don't understand that, what
5 you're asking or what you're stating.
6 Q Well, yeah. So I guess I'm talking about
7 the committee -- just again, the committee would
8 review requests for religious exemption from the
9 COVID vaccine requirement, correct?
10 A Yes.
11 Q Okay. And that review process could
12 result in an approval of their request or a
13 denial, correct?
14 A Correct.
15 Q So if the employee's exemption request was
16 approved, the employee could continue to work
17 while they were unvaccinated; is that fair?
18 A Yes.
19 Q So if the employee's request was denied
20 but the employee believed that their religious
21 beliefs could not allow them to be vaccinated and
22 then they were not vaccinated, then that would

Transcript of [REDACTED]
Conducted on August 27, 2024

34 (133 to 136)

133

1 result in their termination; is that fair?
2 MS. MCGRAW: Objection. Calls for
3 speculation.
4 **A That's not based on just because of the**
5 **denial. That's not -- the committee's**
6 **responsibility is to approve or deny. It is the**
7 **team member's responsibility.**
8 Q Yeah. I'm not asking about whose
9 responsibility. I'm just asking about just sort
10 of the logical consequence.
11 MS. MCGRAW: Object to the form. Calls
12 for speculation.
13 Q You didn't understand that employees that
14 would be denied, some of them would be terminated?
15 **A I understood that if they weren't**
16 **vaccinated by November 1, they could be**
17 **terminated.**
18 Q But you didn't understand, as a member of
19 the Exemption Review Committee, that if an
20 employee really believed this with respect to
21 their religious beliefs that they couldn't
22 be terminated -- let me start that question over

134

1 because it was a backwards question. I'll object
2 to my own question.
3 So if an employee genuinely believed that
4 their religion or God prevented them from being
5 vaccinated, it's fair to assume that they would
6 not be vaccinated regardless of the committee's
7 decision?
8 MS. MCGRAW: Object to the form. Calls
9 for speculation.
10 **A No, it's not.**
11 Q You didn't understand that?
12 **A No. You said it's fair to say, and I**
13 **said, "No. It's not fair to say."**
14 Q How is it not fair?
15 **A Because there are people who received a**
16 **denial and still obtained the vaccination. So**
17 **it's not fair to say that if they received a**
18 **denial, they were terminated.**
19 Q I wasn't saying that. So let me --
20 **A That's how it came out.**
21 Q Yeah. That's helpful. Let me ask maybe
22 what might be a better question. So I'm just

135

1 asking -- I'm not asking about everyone, but did
2 you understand, as a member of the committee, that
3 if someone genuinely believed that their religion
4 or that God prevented them from being vaccinated,
5 that regardless of the committee's decision, they
6 would not be vaccinated?
7 MS. MCGRAW: Object to the form. Calls
8 for speculation.
9 **A No.**
10 Q You didn't understand that?
11 **A I understood it. You're asking me did I**
12 **understand that they weren't going to get**
13 **vaccinated. That's not how I can understand it.**
14 **Like, if they got a denial, it does not**
15 **necessarily mean they won't get vaccinated.**
16 Q So, yeah. That's helpful.
17 I'm not asking -- I'm asking about a
18 hypothetical person. So -- right?
19 **A Then I would be hypothetically answering.**
20 MR. KIRSNER: I'm going to object to the
21 form of the question. You're asking the witness
22 to get inside the head --

136

1 MR. DIEHL: Counsel --
2 MR. KIRSNER: -- of a hypothetical person.
3 I don't think it's a proper question. You're
4 badgering the witness. She gave you an answer in
5 the original --
6 MR. DIEHL: I'm going to keep asking
7 questions, and I'd ask you not to laugh and make
8 jokes about the questions.
9 MR. KIRSNER: I haven't laughed. I stated
10 an objection.
11 BY MR. DIEHL:
12 Q So, again, I'm just trying to understand.
13 Employees submitted their religious beliefs, and
14 some of those religious beliefs resulted -- that
15 were submitted resulted in an exemption and some
16 did not, fair?
17 **A Correct.**
18 Q So with respect to the ones that did not,
19 did you have any understanding that some of those
20 people, even though they were denied, might
21 genuinely believe that their religion or religious
22 beliefs prevented them from being vaccinated?

Transcript of [REDACTED]
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35 (137 to 140)

137

1 MS. MCGRAW: Object to the form.
2 **A I can't speak on what they –**
3 MS. MCGRAW: Calls for speculation.
4 **A – believed.**
5 MS. MCGRAW: Argumentative. Let me get
6 the objection out, but thank you.
7 THE WITNESS: Sorry.
8 Q So you can't -- you couldn't -- you didn't
9 have an understanding about that in 2021?
10 **A You're asking two questions.**
11 Q Okay.
12 **A You're asking me to not understand and**
13 **then you want me to say whether – what they were**
14 **believing.**
15 Q No.
16 **A You did.**
17 Q No. I'm asking just -- that's helpful
18 because I'm not trying to argue. I'm trying to
19 ask a question that is clear and that, you know,
20 you understand and I can understand your answer.
21 So I'm just asking: Is it fair to say
22 there were many employees who were denied who had

138

1 submitted religious exemption requests regarding
2 the COVID vaccine in 2021?
3 MS. MCGRAW: Object to the form.
4 **A I don't remember how many were denied.**
5 Q Well, there's -- more than 100 were
6 denied?
7 MS. MCGRAW: Object to the form.
8 **A I don't remember how many were denied.**
9 Q So you don't remember whether it was just
10 a few or whether it was many in your
11 understanding?
12 **A I don't remember how many were denied.**
13 Q I didn't ask the number. I just --
14 **A Right. I don't know.**
15 Q Okay. So for those people that were
16 denied, did you have any understanding that some
17 of them might believe this and that they might be
18 terminated because they didn't receive the
19 vaccine --
20 MS. MCGRAW: Object to the form. Calls
21 for speculation.
22 Q -- as a result of their denial?

139

1 MS. MCGRAW: Argumentative.
2 **A Again, I can't tell you what their**
3 **thoughts were. All I know is we were to review,**
4 **and that was it.**
5 Q Yeah. I'm not asking for their thoughts.
6 **A You are.**
7 Q No. So let me explain. So there's a
8 difference between knowing someone's specific
9 thoughts and knowing that there might be people
10 with those thoughts. Does that difference make --
11 do you understand that difference?
12 **A I understand that; but, again, that's**
13 **hypothetical. We can say the world might end**
14 **tomorrow. So it's hypothetical.**
15 Q So that was -- you had no idea whether the
16 people that were denied might genuinely believe
17 that they couldn't get vaccinated for COVID-19 and
18 they might be terminated? You didn't have any --
19 **A No.**
20 MS. MCGRAW: Object to the form. Calls
21 for speculation. Argumentative.
22 MR. DIEHL: Can we go off the record.

140

1 (Whereupon, a recess was taken.)
2 BY MR. DIEHL:
3 Q We're back on the record after lunch.
4 I'll mark another exhibit. I think we're on
5 Number 4.
6 (Whereupon, Exhibit 4 was marked for
7 identification.)
8 Q And I'll just represent that I got this
9 from the website there. That's a UVA website, and
10 I'm just going to ask: Is this -- take your time,
11 but is this the list of HR business partners.
12 Let's just start over.
13 Is Exhibit 4 the HR business partners for
14 the different areas of UVA, some of which we
15 talked about earlier?
16 **A Yes.**
17 Q And the ones related to UVA Health and UVA
18 School of Medicine, it looks like they start at --
19 well, the header is on the bottom of the first
20 page of Exhibit 4 and the UVA School of Medicine
21 is on the second page, and then that continues to
22 the third page. Are those listed there -- would

Transcript of [REDACTED]
Conducted on August 27, 2024

36 (141 to 144)

141
1 those be HR business partners that work for
2 different parts of UVA Health?
3 A Yes. [REDACTED] but, yes.
4 Q What's that?
5 A I said, [REDACTED]
6 [REDACTED] but, yes,
7 this is correct.
8 Q So, yeah. So the other areas that are
9 listed there by your name [REDACTED]
10 [REDACTED] those others
11 are correct?
12 A Yes.
13 Q Did you in the recent past provide support
14 to [REDACTED]
15 A I never supported [REDACTED]
16 Q Sorry about that. I was asking about the
17 2021 process for reviewing religious exemptions --
18 or excuse me. Let me start over.
19 I was asking you before the break about
20 the process that UVA's committee used for
21 reviewing employee religious exemption requests in
22 2021 with respect to the COVID vaccine and flu

142
1 vaccine, and, again, that was the same process for
2 COVID and flu?
3 A Yes.
4 Q And do you know of anyone on the committee
5 that used a process that was different than the
6 process that you used?
7 A Not that I'm aware of.
8 Q And are you aware of anyone on the
9 committee that received training documents or
10 other documents that were different than anything
11 that you received?
12 A Not that I'm aware of.
13 Which one?
14 Q I'm going to mark a new exhibit.
15 A Oh, okay.
16 Q Sorry. And I've handed you a document
17 that's been marked Exhibit 5, and I'll just note
18 that this was kind of hard to read in the format
19 that I received it, but I tried to print it on
20 this 11-by-17 paper, but it's still not easy to
21 read, but if you could just take a look at this
22 and review the information on Exhibit 5 and tell

143
1 me when you've had a chance to look that over.
2 (Whereupon, Exhibit 5 was marked for
3 identification.)
4 A Okay.
5 Q Do you recognize Exhibit 5?
6 A I don't.
7 Q Does it appear to be a chart of the
8 different organizations that make up UVA Health?
9 MS. MCGRAW: Object to the form.
10 A I don't know these areas. So I can't -- a
11 lot of these areas I don't know. So I can't
12 say --
13 Q Okay.
14 A -- or I'm not familiar with these areas.
15 Q Okay. Going back to the process for
16 reviewing religious exemptions in 2021, how was
17 any determination made about -- and I apologize if
18 I asked before, but I don't recall your testimony.
19 So if you're reading an exemption request
20 submitted through VaxTrax, how did you judge an
21 employee's sincerity?
22 MS. MCGRAW: Object to the form.

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1 A If they provided the information on how
2 everything was fluent with how they supported them
3 from receiving the vaccination and it wasn't just
4 a list of "This is my religion" with no support to
5 it or denomination.
6 Q So if there was not a denomination listed,
7 that would be deficient, I guess?
8 MS. MCGRAW: Object to the form.
9 Mischaracterizes.
10 MR. DIEHL: I'll withdraw the question.
11 Q Do you recall any discussion among members
12 of the review committee related to employee
13 concerns related to abortion in any way?
14 A Yes.
15 Q What do you recall about that?
16 A Just an individual's concern about aborted
17 fetal cells in the vaccination.
18 Q And what were -- as you recall, what were
19 employees concerned about that wrote that?
20 A All I remember is that it was fetal cells
21 in the vaccination, and they were against
22 abortion.

Transcript of [REDACTED]
Conducted on August 27, 2024

37 (145 to 148)

145

1 Q Fetal cells -- why would fetal cells have
2 -- why would that be related to abortion? Do you
3 know?
4 MS. MCGRAW: Object to the form. Calls
5 for speculation.
6 **A I don't know.**
7 Q You don't know?
8 **A No. They would state fetal cells were in**
9 **the vaccination, and they were against abortion.**
10 Q In the vaccine?
11 **A That's what some would state, yes.**
12 Q Did anyone say that fetal cells were used
13 in the development of the vaccines?
14 **A They may have, yes. I don't recall, but**
15 **I'm sure there was something.**
16 Q Let's mark another exhibit. That will be
17 Exhibit 6.
18 (Whereupon, Exhibit 6 was marked for
19 identification.)
20 Q Take a look at Exhibit 6, and my question
21 is -- so I'm asking you: Are you familiar with
22 this form in general?

146

1 **A Yes.**
2 Q What is it?
3 **A It's VaxTrax. Well, it's a printout from**
4 **VaxTrax.**
5 Q So this is information on the VaxTrax
6 system related to one employee's request for
7 religious exemption?
8 **A Yes. If this is one -- this packet is one**
9 **employee, then, yes.**
10 Q Yeah. Take a look at it, and tell me if
11 you think it's more than one employee or whether
12 it's one employee.
13 **A I don't know because there's no names on**
14 **here.**
15 Q In the VaxTrax system, would there
16 normally be names?
17 **A User ID that we could see.**
18 Q Okay. I think -- Counsel, correct me, but
19 I believe there's -- if you look at the ID 217 on
20 the first page there of Exhibit 6.
21 Do you see that line?
22 **A Yes. I'm sorry.**

147

1 Q Yeah. It's my understanding that UVA --
2 is that -- I'm just trying to understand you. Did
3 you --
4 MS. MCGRAW: We have anonymized them.
5 MR. DIEHL: Your firm anonymized it. So
6 they took any names or specific ID numbers off and
7 put a new number on there.
8 THE WITNESS: Okay.
9 MS. MCGRAW: Correct.
10 Q So understanding that, knowing that this
11 person is anonymous, Number 217?
12 **A Okay.**
13 Q If you can take a look and tell me if this
14 looks like one person's VaxTrax record.
15 **A This is very hard to say it's one person**
16 **because I've never seen one this long.**
17 Q If we start -- go to the last page of
18 Exhibit 6, and then -- actually, the first -- the
19 first black header on the -- it's actually the
20 second to the last page. It has Number 2394 at
21 the bottom.
22 Do you see that? And just know that those

148

1 letters were added in this lawsuit. So do you see
2 that Number 2394 or the page?
3 **A Yes. Yes.**
4 Q And then it says S-T-R-U-C-T in black --
5 in the black header?
6 **A Yes.**
7 Q Do you know what the different information
8 is in these -- what these mean?
9 **A What "STRUCT" means -- S-T-R-U-C-T? No.**
10 Q Well, yeah, or Task ID, Action, Changed by
11 ID, any of that information?
12 **A I do not.**
13 Q Is that information that you -- do you
14 recall seeing any of that information in the
15 VaxTrax system?
16 **A That is not -- no. VaxTrax system for our**
17 **view would have the employee name, the type of**
18 **request. So, yes. The date submitted -- it would**
19 **be there, the entry count. And I don't know what**
20 **the Source or the Status is.**
21 Q So it looks like the last kind of set
22 of -- I guess I'll call that a table. Do you see

Transcript of [REDACTED]
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38 (149 to 152)

149

1 that there's like separate tables? The one that
2 has the black --
3 **A On the same page?**
4 Q Yeah --
5 **A Yeah.**
6 Q -- that says S-T-R-U-C-T. It looks like
7 that relates to a medical exemption. You see
8 "Exemption Type: Medical"?
9 **A Yes.**
10 Q And then above that, the next table that
11 looks like it starts on Page 2391 -- tell me when
12 you're there.
13 **A I'm there.**
14 Q Okay. And there's another S-T-R-U-C-T
15 label, and then do you see it says, "Exemption
16 Type: Religious"?
17 **A Yes.**
18 Q Do you know if this would be a religious
19 exemption from VaxTrax?
20 **A Which? 2391?**
21 Q Yeah. The box that --
22 **A It looks like a religious exemption.**

150

1 Q Sorry. The box that starts on -- the
2 table that starts on 2391 and continues until
3 two-thirds of the way down the page on 2394.
4 **A Yes.**
5 MS. MCGRAW: And, Sam, I'm just going to
6 note for the record that the system seems to have
7 generated -- and you'll notice this on every
8 exemption report. On August 29th, 2022, the
9 system generated all the old information that was
10 there. So take the deposition any way you want
11 to, but you may want to question the witness about
12 the earlier pieces of the VaxTrax form where
13 they're actually acting on things as opposed to
14 the system automatically generating something.
15 MR. DIEHL: Okay. I guess I'll take
16 that -- let's set Exhibit 6 aside for now. All
17 right. We're going to mark Exhibit 7.
18 (Whereupon, Exhibit 7 was marked for
19 identification.)
20 BY MR. DIEHL:
21 Q Take a look at Exhibit 7 -- the document
22 that's marked as Exhibit 7. Is this another --

151

1 what looks like a printout of information from
2 VaxTrax?
3 **A Yes.**
4 Q And VaxTrax is V-A-X-T-R-A-X?
5 **A Yes.**
6 Q Is there a -- as you look through it, is
7 there a way to tell who on the Religious Exemption
8 Committee reviewed this specific request?
9 **A Normally --**
10 Q Or, I should say, the request shown on
11 Exhibit 7, whether it's more than one or not?
12 **A Yes. Normally there would be an initial,**
13 **but there's a number. This is the Changed by ID,**
14 **and that's 8.**
15 Q Yeah. What were you referring to?
16 **A Sorry.**
17 Q Were you talking about --
18 **A 2237.**
19 Q Okay.
20 **A And the Changed by ID under the black box.**
21 Q And that's an 8?
22 **A Yes.**

152

1 MR. DIEHL: Counsel, was that something
2 that was changed by --
3 MS. MCGRAW: No. VaxTrax assigns a
4 number. When we produced the documents, we gave
5 you the chart that shows you how to convert those
6 numbers to individual committee members.
7 MR. DIEHL: Got it. Okay.
8 MS. MCGRAW: And, Sam, just to close the
9 loop on that, for the Changed by ID, if it was the
10 employee themselves, we changed it to Requestor
11 instead of the Change by ID in an effort to keep
12 things anonymous.
13 MR. DIEHL: So the things that were
14 changed by counsel are the ID on the first page, 1
15 through 7 in Exhibit 7?
16 MS. MCGRAW: For purposes of making these
17 anonymous --
18 MR. DIEHL: Yeah. I'm not stating there's
19 anything improper.
20 MS. MCGRAW: Yeah.
21 MR. DIEHL: I'm just trying to understand
22 what was changed.

Transcript of [REDACTED]
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39 (153 to 156)

153
1 MS. MCGRAW: Yeah. For purposes of making
2 these anonymous, the Changed by ID, if it was the
3 employee rather than use an ID number that we
4 thought potentially could be tracked, we changed
5 that to the word Requestor. If the Changed by ID
6 was anybody else, we left the ID as is. VaxTrax
7 is a database. And so to print from the database,
8 you have to select tables to print from. And what
9 we tried to do was capture all of the tables, and
10 that's why it's so repetitive. And I'm happy to
11 talk with you off the record.
12 MR. DIEHL: Sure. Yeah. That's helpful.
13 BY MR. DIEHL:
14 Q If you could go -- I just want to point
15 you to a couple of places in this document. 2243,
16 the Bates label -- those are called Bates labels
17 at the bottom. It's just lawyers put them on
18 during lawsuits to give each page a unique ID.
19 A Okay.
20 Q In the middle of the page, it says,
21 "Religious Admin Comment."
22 Do you see that?

154
1 A Yes.
2 Q And then next to it, it says, "Sent e-mail
3 out to notify team member of committee further
4 review. [REDACTED] 12/5/21."
5 A Yes.
6 Q Is [REDACTED] initials?
7 A Yes.
8 Q Is that you?
9 A Yes.
10 Q Okay. And then if you go to Page 2245,
11 which is just a couple of pages later, on
12 Exhibit 7. Tell me when you're there and see the
13 Religious Admin Comment.
14 A I'm there.
15 Q Okay. It says, "[REDACTED]." That's another
16 member of the committee?
17 A Yes.
18 Q Who's that?
19 A [REDACTED].
20 Q From my review, it looks like there's not
21 always initials. So do you know whether there's
22 supposed to be initials?

155
1 A If there's a comment, there should be
2 initials, but not -- if there's a comment in the
3 comment field, there should be initials, but not
4 in the automatic replies when it comes to
5 approvals and denials because those were automatic
6 replies.
7 Q So if you go to the chart that begins on
8 2239.
9 A Okay.
10 Q And then it's not the smaller chart, but
11 the chart that continues onto 2240 and 2241.
12 Do you see that?
13 A Yes.
14 Q Okay. If you go down to Page 2241, at the
15 end, there's this religious review comment. Well,
16 just generally, what is a Religious Review Comment
17 in VaxTrax?
18 A So these boxes where they're saying
19 Religious Review Comment, that looks different
20 from what we see in VaxTrax. So this is
21 different. That last comment that you asked about
22 is the standard reply that went out that was

156
1 already uploaded in VaxTrax.
2 Q So the Religious Review Comment on 2241 in
3 the middle of the page, that's what you're
4 referring to as standard communication?
5 A When you're saying "in the middle of the
6 page," are you saying where it says "Dear
7 applicant"? Is that the middle of the page?
8 Q Yeah. So, yeah. In the left column, it
9 says, "Religious Review Comment," all with no
10 spaces?
11 A Right. Yes. That is a standard reply.
12 Q Okay. And so when it says "ImmunizeUVA,"
13 that wasn't you -- I mean, it could have been you,
14 but it could have been any reviewer because it's
15 the same signature that's on everyone's?
16 A It's in VaxTrax already. We don't do
17 anything. It's already there. You hit "approve."
18 They get a standard message. If you hit "deny,"
19 you get a standard message.
20 Q Was that --
21 A It was uploaded in Workday --
22 Q Sorry.

Transcript of [REDACTED]
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40 (157 to 160)

157

1 (Simultaneous conversation.)
2 **A – I mean, on VaxTrax.**
3 Q Okay. Back in 2019, what was the e-mail
4 address?
5 **A ImmunizeUVA.**
6 Q Okay. So that was the same label used in
7 2019, 2020, just through a different system?
8 **A Yes.**
9 Q Okay. So it looks like on Exhibit 7 under
10 -- on the first page, it says, "Exemption
11 History," and then there's one of these tables
12 that has the S-T-R-U-C-T label there at the top.
13 So it looks like that was submitted by the
14 Requestor on September 7th, 2021. Does that seem
15 correct to you from what you see here?
16 **A That's what it – yes.**
17 Q Okay. And then the Religious Belief
18 Comment -- do you see where that is on the bottom
19 row of the first page of Exhibit 7?
20 **A (No audible response.)**
21 Q And so that would have been information
22 provided by the employee or the team member making

158

1 a request?
2 **A Correct.**
3 Q And then the first label there -- well, I
4 guess, if you go to the first page of Exhibit 7,
5 Bates Label 2235, the bottom row says, "Religious
6 Exemption Comment."
7 Do you see that?
8 **A Yes.**
9 Q And then the next label in the next row, I
10 guess -- it's a very large row -- says, "Religious
11 Conflict Comment."
12 Do you see that?
13 **A Yes.**
14 Q Is it your understanding that that would
15 be answering a different question in VaxTrax?
16 **A Yes.**
17 Q Okay. Do you know what those questions
18 were, roughly?
19 **A They were the standard – I don't know off**
20 **the top of my head. It's basically "Explain your**
21 **religious tenet or belief," and then the second –**
22 **again, I'm paraphrasing. The second one would be**

159

1 **"How does it preclude you from" –**
2 Q Or conflict with the vaccine requirement?
3 **A Yes.**
4 Q So then it looks like the employee's
5 information is in this first STRUCT chart, and
6 then the next chart, that's where we're talking
7 with Ms. McGraw and the Changed by Bid, that
8 Number 8 is not a Requestor. That's a member of
9 the committee?
10 **A Correct.**
11 Q And so the Religious Belief Comments and
12 Religious Conflict Comment that's copied there --
13 **A It's still the team member's information.**
14 Q Okay. So that's just kind of a repeat of
15 that?
16 **A Uh-huh.**
17 Q Yes? Sorry.
18 **A Yes. Sorry.**
19 Q After lunch, it's hard -- you know, you
20 shake your head and you think people understand
21 you.
22 **A Yes. Yes.**

160

1 Q And then the Religious Review Comment,
2 that looks like that's the standard communication
3 language. So I'm talking about their Religious
4 Review Comment that begins on the very bottom of
5 Page 2238.
6 **A Correct.**
7 Q The next smaller chart or table that
8 begins with STRUCT in the middle of Page 2239, do
9 you see that?
10 **A Yes.**
11 Q Do you know what this information is?
12 **A Again, this is different from what we see**
13 **in VaxTrax, but the Action is – the status was**
14 **changed to "deny."**
15 Q Okay. So that's just somehow a notation
16 from VaxTrax that the request was denied?
17 **A Yes.**
18 Q And I guess that's consistent with a
19 standard communication that begins at the bottom
20 of Page 2238?
21 **A Yes.**
22 Q And then it looks like the next box -- it

Transcript of [REDACTED]
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41 (161 to 164)

161

1 says, E-Mail "notification sent to Requestor for
2 the religious exemption request returned or
3 denied. Exemption request created or saved."
4 Do you see that?
5 **A Yes.**
6 Q Do you know what that would be that's
7 different than --
8 **A I think it's -- I don't know. It looks**
9 **like -- again, we don't see this in VaxTrax. So**
10 **it looks like this is behind the scenes of keeping**
11 **track of everything.**
12 Q Okay. So it could just be a repeat of
13 what's in the --
14 **A Yes.**
15 Q -- box that begins at the bottom --
16 **A Right.**
17 Q -- of Page 2238?
18 **A It looks like VaxTrax is noting that that**
19 **automatic reply was sent.**
20 Q Okay. So then on the bottom of Page 2241,
21 there's another Task ID and STRUCT table.
22 Do you see that?

162

1 **A Yes.**
2 Q Do you know what this would be? And it
3 looks like the date is December 5th.
4 **A It looks like the same thing as the other**
5 **one. It's tracking the e-mail from the above**
6 **comment that the e-mail was sent.**
7 Q At the bottom of this chart, which begins
8 at the bottom of 2241 and continues to 2243, if
9 you could find the box that says "Religious Review
10 Comment" on 2243.
11 **A Yes.**
12 Q So it says, "Your application for
13 religious exemption has been returned to the
14 Health System Vaccine Religious Exemption
15 Committee for further review. We'll provide you
16 with additional information regarding a decision
17 on your application as soon as possible.
18 ImmunizeUVA."
19 Do you know why that would have occurred?
20 **A This team member is possibly -- if I know**
21 **what this -- a remote worker.**
22 Q Okay. And was there some change in

163

1 December 2021 related to remote workers?
2 **A Leadership had decided that remote workers**
3 **were -- as long as they were 100 percent remote,**
4 **did not have to be vaccinated.**
5 Q And then -- so there's that -- the
6 Religious Admin Comment, that's the one that has
7 your initials next -- do you see that?
8 **A Yes.**
9 Q Then if you continue to the next chart
10 that begins on 2243 and continues into two-thirds
11 of the way down, Page 2245.
12 Do you see that?
13 **A Yes.**
14 Q That's the [REDACTED] -- is it [REDACTED]
15 [REDACTED]?
16 **A Yes.**
17 Q So do you see the Religious Admin Comment
18 there that has "12/16/21 [REDACTED]" at the end of it?
19 **A Yes.**
20 Q That admin comment in the middle -- excuse
21 me. That Religious Admin Comment in the middle of
22 the page on Bates Number 2245, if you could take a

164

1 minute and read that language. I want to ask you
2 a question about it.
3 **A I didn't write it. So I can't speak so**
4 **much on it. Okay.**
5 MS. MCGRAW: And I don't know what you're
6 going to ask. So I don't know if the objection's
7 going to apply, but I know that to the extent that
8 we're going to get into communications with
9 counsel --
10 THE WITNESS: Yes.
11 MS. MCGRAW: -- I would just ask the
12 witness to be careful about that.
13 MR. DIEHL: All right. That was a good
14 pre-objection.
15 Q I've seen that language on a number of
16 requests by employees who were remote. Do you
17 know if the same language was sent to all remote
18 workers in December?
19 **A Yes. Yes. It's my understanding.**
20 Q And you were part of the review process
21 given your initials --
22 **A Not part of the --**

Transcript of [REDACTED]
Conducted on August 27, 2024

42 (165 to 168)

165

1 Q -- at some point?

2 A -- remote part. Yes. Yes. I was at the

3 beginning.

4 Q Right. So the bottom -- in the middle of

5 the Religious Admin Comment in the middle of Page

6 2243, that has your initials from 12/5/21?

7 A Yes.

8 Q And then there's your initials earlier in

9 the document. Do you recall that?

10 A My initials where?

11 Q Do you know what your ID number was in

12 VaxTrax?

13 A I was told it was 8.

14 Q Okay. So, yeah. There's Changed by ID 8

15 on Page 2241.

16 Do you see that?

17 A Yes.

18 Q And then on Page 2237?

19 A Yes.

20 Q Do you see that?

21 A Uh-huh.

22 Q So you were involved specifically in this

166

1 employee's -- or the committee's review of this

2 employee's religious exemption request?

3 A I was involved in the initial request.

4 Yes.

5 Q Okay. So with respect to the comment --

6 well, if you look at the last page, the Religious

7 Admin Comment on the last page of Exhibit 7 Bates

8 labeled 2247 -- tell me when you're there --

9 that's the language that you just reviewed that

10 was provided to all remote employees who had

11 submitted requests that were denied, but then that

12 was reversed; is that correct?

13 A Employees could not see that comment.

14 That was only a comment for VaxTrax.

15 Q Okay.

16 A Yeah. Employees did not see that comment.

17 Q Did employees receive a communication that

18 said your request was approved then?

19 A Yes.

20 Q Is that the Religious Review Comment

21 there?

22 A Yes.

167

1 Q So --

2 A There's an admin comment and then view

3 comment. They received the view comment.

4 Q With respect to the admin comment there

5 near the end or I think it's the last sentence of

6 the Religious Admin Comment, it says, "Although

7 the committee has reasons to doubt the sincerity

8 or religiosity of their professed beliefs,

9 assuming the sincerity and religiosity of the

10 belief, it does not present an undue hardship on

11 the Health System and therefore the accommodation

12 request was granted."

13 Do you see that language?

14 A I do see it.

15 Q What in the religious beliefs that were

16 submitted by this employee -- what gave reason for

17 the committee to doubt the employee's sincerity or

18 religiosity?

19 MS. MCGRAW: Object to the form.

20 A I can't speak on that. I don't know.

21 Q You remember the committee?

22 A I remember the committee. I don't

168

1 remember the request, and I can't -- I don't

2 remember the thought process on that. And this

3 language is standard language that went to

4 everyone.

5 Q Okay. So there wasn't actually a

6 determination that was made with respect to this

7 specific employee about the sincerity or

8 religiosity of their beliefs?

9 MS. MCGRAW: Object to the form.

10 Mischaracterizes.

11 A The first initial was a denial.

12 Q Right.

13 A It's right there.

14 Q Okay. And you were involved in the

15 initial denial?

16 A Yes.

17 Q Why don't you go to the beliefs that are

18 provided on -- or described in the Religious

19 Belief Comment on the first page and then the

20 Religious Conflict Comment on the second page

21 continuing onto the third page. The third page is

22 Bates labeled 2237. Take a look and review that

Transcript of [REDACTED]
Conducted on August 27, 2024

43 (169 to 172)

<p style="text-align: right;">169</p> <p>1 and tell me if you -- well, I'm going to ask you a 2 question about that after you've had a chance to 3 review it. 4 A Okay. 5 Q What about this -- well, when you reviewed 6 this either then or now, did you find anything 7 that would cause you to doubt the sincerity of 8 this employee -- 9 MS. MCGRAW: Object to the form. 10 Q -- this employee's religious beliefs? 11 Excuse me. 12 MS. MCGRAW: Object to the form. 13 Compound. 14 A I don't even remember the process behind 15 -- the thought process with this submission, but I 16 can tell you that the second submission is pretty 17 much a copy-and-paste from the letters that we 18 received. And these are all copy-and-paste of 19 Biblical quotes. 20 Q But I guess how would you know that was 21 insincere? 22 MS. MCGRAW: Object to the form.</p> <p style="text-align: right;">170</p> <p>1 A Again, the second part was a 2 copy-and-paste of a -- pretty much of the template 3 letters that we've had. 4 Q What if the template genuinely reflected 5 the employee's beliefs? 6 MS. MCGRAW: Object to the form. Calls 7 for speculation. 8 A I can't say it did or didn't. 9 Q Well, I guess, did you ever consider that 10 it might -- 11 MS. MCGRAW: Object to -- 12 Q -- that the template might reflect an 13 employee's actual beliefs? 14 A I can't tell you what I considered in 2021 15 in '25 -- in '24. 16 Q Well, as you read this now, do you know -- 17 well, let me ask a question -- a separate 18 question: How would you go about determining 19 whether this language was similar to a template 20 but not actually a template? 21 A We had templates. 22 Q And would you compare it word for word?</p>	<p style="text-align: right;">171</p> <p>1 A Pretty much you can see it. Yeah. 2 Q But did you actually compare requests that 3 seem similar to a template to a template? 4 A Yes, we did. 5 Q And you had copies of templates? 6 A Yes. 7 Q How many? 8 A I don't remember. 9 Q Do you know? 10 A No. 11 Q Was there just a few? Maybe three or 12 four? 13 A I don't remember. 14 Q Well, do you remember whether there was 15 more than ten? 16 A I don't remember. 17 Q Where were those stored? 18 A I think there was a link on a document. 19 There was a link. 20 Q There was a link in the system somewhere 21 -- in UVA's system? 22 A No, on a Word document.</p> <p style="text-align: right;">172</p> <p>1 Q What document was that? 2 A It was a process document. 3 Q There was a process document that you used 4 when you reviewed exemption requests? 5 A We didn't use it. We discussed it in our 6 -- in our training. 7 Q That was separate from the PowerPoint? 8 A Yes. 9 Q And that laid out UVA's process for 10 reviewing exemption requests? 11 A Yes. 12 Q And then did you go back to that document 13 when you were -- when the committee was reviewing 14 requests? 15 A Probably in the very beginning when we 16 viewed the letters by then. 17 Q Who was present at meetings of the 18 committee? 19 A I can't say every meeting, but we were all 20 required to be at the meeting whether we were at 21 work that day or not, but we were all -- and then 22 Melissa Frederick would be there.</p>
--	--

Transcript of [REDACTED]
Conducted on August 27, 2024

44 (173 to 176)

173

1 Q Anyone else?

2 A And sometimes -- sometimes Melissa Riley.

3 Q But not always?

4 A No.

5 Q What did the process document -- I guess,

6 what was included in that document?

7 A I forget. It had links on it. It had

8 information about fetal cells and then just the

9 process that basically summarized your Document

10 1 -- Exhibit 1 summarized.

11 Q What do you recall about fetal cells,

12 specifically?

13 A That it was testing for development of

14 vaccines in the vaccines.

15 Q And do you know -- well, let's just look

16 at this document, Exhibit 7, and then if you go to

17 the second page, 2236, and the Religious Conflict

18 Comment. Are you there?

19 A Uh-huh. Yes.

20 Q Down below there's a sentence that begins

21 -- it kind of begins in the middle and continues

22 to the right -- [REDACTED]

174

1 [REDACTED]

2 Do you see that?

3 A Yes.

4 Q -- [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 Do you see that?

8 A Yes.

9 Q So what did you understand about aborted

10 fetal cell lines and the COVID-19 vaccines?

11 A I don't -- I have it written down. I

12 don't remember. No. It wasn't in the vaccine.

13 Q I'm asking about this document, Exhibit 7.

14 A You asked me what I remembered about the

15 COVID vaccine --

16 Q Okay.

17 A -- when you asked me to read this document

18 and what I knew about that in the COVID vaccine.

19 I was stating that I do not know -- I mean, that

20 the aborted fetal cells was not in the vaccine.

21 Q What's a -- is there a difference between

22 an aborted fetal cell and aborted -- a fetal cell

175

1 line?

2 A I don't know. I'm not a physician.

3 Q But there was language in the process

4 document you're talking about that the committee

5 used for guidance with respect to --

6 A Yes.

7 Q -- employee beliefs about aborted fetal

8 cell lines?

9 A Yes. We had got information from

10 Dr. Sifri.

11 Q Did Dr. Sifri participate in the review of

12 the religious exemption requests?

13 A He did not.

14 Q Did Dr. Sifri meet with the committee to

15 talk about either aborted fetal cell lines or any

16 other issues?

17 A He did not.

18 Q But there was information in a document

19 from him?

20 A Yes. He had provided a blurb.

21 Q And with respect to the employee's beliefs

22 described here in Exhibit 7 regarding abortion and

176

1 aborted fetal cell lines, if that was not in a

2 template and that the employee had just written

3 the same language or very similar language about

4 aborted fetal cell lines, did you know how the

5 committee would have responded to that belief?

6 MS. MCGRAW: Object to the form.

7 A I can't say how the committee would have

8 responded.

9 Q How about you?

10 MS. MCGRAW: Object to the form.

11 A You would need to provide more information

12 other than just saying "aborted fetal cells." How

13 does that preclude you from obtaining the vaccine?

14 What is it?

15 Q Well, I guess this employee talks about

16 more than just aborted fetal cell lines, right?

17 A Yes.

18 Q So let's use this as an example. So you

19 see in the middle there -- well, let me ask you

20 this before I get to that. This is kind of all

21 pushed together, I guess, for lack of a better

22 term. There's not paragraph breaks in here. Is

Transcript of [REDACTED]
Conducted on August 27, 2024

45 (177 to 180)

177

1 that how you saw the language in VaxTrax?
2 **A No. If they put breaks in there, we would**
3 **see it.**
4 **Q Okay. So this is just -- so either this**
5 **employee didn't provide any paragraph breaks or**
6 **that was how it was printed?**
7 **A Correct.**
8 **Q In the middle of the Religious Conflict**
9 **Comment, there's a sentence that starts with [REDACTED]**
10 **[REDACTED]**
11 **[REDACTED]**
12 **Do you see that?**
13 **A Yes.**
14 **Q And then that continues -- that language**
15 **continues, and then I want you to read until it**
16 **says [REDACTED]**
17 **A Okay. Yes, I see it.**
18 **Q Okay. So you've read the language that**
19 **begins with [REDACTED] and**
20 **continues to -- kind of ends with [REDACTED]**
21 **[REDACTED]**
22 **Do you see that?**

178

1 **A Yes.**
2 **Q Okay. So with respect to this language,**
3 **assuming that warranted a template, would that**
4 **have been a belief that would qualify for an**
5 **exemption?**
6 **MS. MCGRAW: Object to the form.**
7 **A How does that preclude them from -- like**
8 **what do they do in their everyday life for this?**
9 **Like, there's more that would need to be included.**
10 **We would have to review more. You couldn't just**
11 **provide that one sentence or two.**
12 **Q Well, the beliefs about abortion actually**
13 **starts above, and I want to give you time to**
14 **review it here, but do you see where it says,**
15 **[REDACTED]**
16 **Tell me when you find that, and it's about -- I**
17 **don't know.**
18 **A Where?**
19 **Q Sure. It's one, two, three --**
20 **A Okay. I see it.**
21 **Q -- four, five, six, seven, eight -- it's**
22 **the ninth line down from the top in that section.**

179

1 **A Mine is not the ninth, but you said -- I'm**
2 **aware it says "[REDACTED]"**
3 **Q Yes.**
4 **A Yes.**
5 **Q Yeah. [REDACTED]**
6 **[REDACTED] And then read**
7 **down -- read that section down to "[REDACTED]"**
8 **[REDACTED] in the middle of 2236.**
9 **A Okay.**
10 **Q Assuming that this employee really**
11 **believed that language, would that -- the belief**
12 **described there qualify this employee for a**
13 **religious exemption in 2021?**
14 **MS. MCGRAW: Object to the form.**
15 **A I can't assume that. Are you assuming**
16 **this is going to be just that blurb? Because**
17 **based on what she submitted, there's a whole bunch**
18 **of different things in here.**
19 **Q Well, I'm just -- for now, I'm just asking**
20 **about that one section about abortion and aborted**
21 **fetal cell lines.**
22 **A It would need more. Like, I can't**

180

1 **explain. It's that it's not answering the two**
2 **questions.**
3 **Q What would you need to know to decide on**
4 **that issue alone: abortion and aborted fetal**
5 **cell?**
6 **MS. MCGRAW: Object to the form.**
7 **A How does it preclude her from obtaining**
8 **the vaccine? I get that that's her religion and**
9 **that's what she's stating here or her denomination**
10 **states this, but how does that preclude her? What**
11 **is it about it that precludes her from obtaining**
12 **the vaccine?**
13 **Q Well, do you see the sentence where it**
14 **says, [REDACTED]**
15 **[REDACTED]**
16 **[REDACTED]**
17 **A I do.**
18 **Q Do you know what that means?**
19 **A I know what it states.**
20 **Q Okay. Well, what does it mean to you?**
21 **A It states -- they're stating that their**
22 **faith prohibits, not the denomination, not --**

Transcript of [REDACTED]
Conducted on August 27, 2024

46 (181 to 184)

181

1 like, her faith prohibits her from participating
2 in or benefiting from an abortion.
3 Q Do you understand that this person is
4 likely a Catholic?
5 MS. MCGRAW: Object to the form.
6 A No. I can't say that because she didn't
7 state. I don't know.
8 Q Do you know if this is a female?
9 A Or she or he. I just say "she" to
10 everything.
11 Q No. That's fine. I just didn't know if
12 there was some way to tell if --
13 A Sorry. You guys rule the world. I like
14 to say "she" for everything.
15 Q I don't do anything. I'm just kidding.
16 Okay. So --
17 A And I assumed it was she. Sorry.
18 Q No. That's fine. It doesn't bother me.
19 It literally -- I just wanted to know if there was
20 something on here that shows that or, you know --
21 A Well, yes. [REDACTED]
22 [REDACTED]

182

1 So I don't think that you-all can get abortions.
2 So
3 Q Do you think that she or he is referring
4 to getting -- having an abortion?
5 A That's part of you asking if -- like why I
6 would think that it was a she. So that part of
7 the statement could assume that it could be, that
8 part.
9 Q Okay. You talked about that these -- this
10 description of beliefs related to abortion --
11 well, let me ask you this before I move on: This
12 description talks about how this belief is
13 connected to the employee's faith, their religious
14 faith, correct?
15 A Part of it, yes.
16 Q And then how would the employee have known
17 that they needed to talk about their denomination?
18 MS. MCGRAW: Object to the form.
19 A There's two questions that's asked of
20 them. They're not on here; but, yeah. There are
21 two questions that are asked of them.
22 Q And, again, no one from the committee

183

1 said, "Hey, you forgot to talk about your
2 denomination. Can you explain what your
3 denomination is," or some similar communication?
4 A Yes. To qualify for a religious
5 exemption, you must briefly explain your religious
6 principle, tenet, or belief and how that religious
7 principle, tenet, or beliefs conflict or preclude
8 you from receiving the vaccination. If you have
9 additional support, you can submit.
10 Q And you're reading from the language
11 that's the Religious Review Comment beginning on
12 Page -- the bottom of Page 2238 and continuing on
13 to 2239?
14 A Correct.
15 Q Well, where in there does it talk about a
16 religious denomination?
17 MS. MCGRAW: Object to the form.
18 Mischaracterizes.
19 Q Is there anything that does talk about a
20 denomination?
21 A No. You explain how your denomination,
22 your principle, tenet, or belief, and how that

184

1 principle, tenet, or belief conflicts with or
2 precludes you from receiving the vaccination.
3 THE WITNESS: I've got to take my
4 medicine.
5 MR. DIEHL: Sure. Let's go off the
6 record.
7 (Whereupon, a recess was taken.)
8 BY MR. DIEHL:
9 Q So we were talking about the Religious
10 Review Comment that begins on Page 2238 and
11 continues onto Page 2239?
12 A Yes.
13 Q Is there some -- and I believe you were
14 talking about religious denomination and then
15 connected that to religious principle, tenet, or
16 belief; is that right?
17 A Yes.
18 Q Okay. And do you know if that was -- that
19 understanding of this language was similar to what
20 other members of the committee would have
21 understood this language to mean?
22 MS. MCGRAW: Object to the form.

Transcript of [REDACTED]
Conducted on August 27, 2024

47 (185 to 188)

185

1 A Yes. So I thought you -- my apologies. I
2 should have let you answer the question -- I mean,
3 finish with your question. I thought you were
4 asking was this the standard language that we all
5 provided. My apologies.
6 Q No. No problem. I'll just ask it again.
7 So this -- well, I guess the language that
8 we've been reading in the standard -- that was the
9 standard communication sent out by the committee?
10 A That was the standard communication that
11 was in -- VaxTrax automatically submitted that --
12 sent that out.
13 Q Did members of the committee, during your
14 meetings where you're present or when you were
15 present, discuss -- I'm going to take a drink.
16 Let me start over.
17 Did members of the committee discuss the
18 meeting of religious principle, tenet, or belief
19 during meetings of the exemption committee where
20 you were present?
21 A No. If I understood you correctly.
22 Q Well, I guess did you talk about that

186

1 issue with the committee about religious
2 denominations?
3 A We had the training, but we wouldn't
4 talk -- our meetings that we met, were on the
5 submissions and reviewing the submissions. If
6 anyone had any questions about the submissions,
7 not the principle, tenet, or belief, all in the
8 submissions.
9 Q So I guess -- so how is that different
10 than the beliefs? What's the distinction that
11 you're making there?
12 A What do you mean what's the difference?
13 Q Yeah. So I guess I was asking if the
14 committee talked about religious principle, tenet,
15 or belief or what the meaning of that was, and
16 then what was the distinction you're making about
17 what the committee did discuss versus talking
18 about --
19 A We didn't discuss what that stood for,
20 what you just asked. We discussed each submission
21 that was brought to the meeting from the
22 individual. That's what was discussed, not --

187

1 Q Oh, okay.
2 A -- the meaning of --
3 Q Yeah. You didn't say "Okay. What's the
4 meaning of these words," but
5 A Right.
6 Q So with respect to any discussions about
7 religious beliefs, was there discussions about
8 religious denominations that were part of that --
9 was part of that discussion when the committee
10 discussed a request?
11 A In the training, it was discussed, not in
12 the meetings when we're viewing the submissions.
13 Q There was no discussion about
14 denominations in the meetings?
15 A When we're viewing the submissions, we
16 would review what was submitted and where it stood
17 and any questions that they may have had or anyone
18 may have had or regarding the submission, not
19 about specific denominations or anything like
20 that, the actual submission that came through and
21 why there was questions about the submission.
22 Q Do you recall any of the substance of

188

1 those discussions --
2 A Oh, my gosh.
3 Q -- with respect to common issues?
4 A No. Other than the template letters, no,
5 I don't.
6 Q Was there someone in particular that was
7 responsible for determining whether a request was
8 likely from a template or not?
9 A No.
10 Q So every individual reviewer might have
11 done it themselves?
12 A Yes.
13 Q But then they might have used the link to
14 template letters that was provided?
15 A I don't know what others did; but, yes.
16 And, typically, if there was a question about a
17 template letter, we all met together.
18 Q Okay. If you go back to Page 2236 just to
19 find one place where the Religious Conflict
20 Comment is described by this employee. We had
21 talked about the issue of abortion or aborted
22 fetal cell lines, but then you had mentioned

Transcript of [REDACTED]
Conducted on August 27, 2024

48 (189 to 192)

189

191

1 something about there are a number of beliefs
2 discussed here or something to that effect. I
3 don't remember your exact words.
4 **A No, I didn't. Yeah. I was going to say I**
5 **didn't say that. I said there was a lot of stuff**
6 **here.**

7 **Q Okay. So did it matter that there was a**
8 **number of beliefs discussed when you were**
9 **reviewing these?**

10 **A Well, how is it a sincerely-held belief if**
11 **there's every belief in there, to include [REDACTED]**

12 [REDACTED]
13 [REDACTED]
14 **Q And why did you call out that language?**

15 **A Because that's not a sincerely-held**
16 **belief. That's a statement -- that's a personal**
17 **statement.**

18 **Q Do you understand that a person could have**
19 **personal beliefs that are unrelated to their**
20 **religion about vaccines?**

21 **A Oh, yes. Yes.**

22 **Q And they could also have religious**

190

1 beliefs?
2 **A Yes. But the deaths about -- over the**
3 **vaccine is not -- you just have everything in**
4 **here. You have every Biblical quote. You have**
5 **your sincerely-held belief. You have personal on**
6 **what the vaccine is doing to other individuals or**
7 **what they've heard what it's done to us, seen or**
8 **read of what it's doing to other individuals,**
9 **i.e., the death, then talk about how it has skin**
10 **issues, problems, it's caused heart problems. So**
11 **it's everything in here.**

12 **Q But if I recall correctly, there was no**
13 **specific criteria that was published about what**
14 **should be included or should be not included; is**
15 **that right?**

16 **A No, there wasn't.**

17 **Q So how would an employee have known not to**
18 **just put all their beliefs in here, just to --**
19 **because they don't know exactly what should be**
20 **included?**

21 **MS. MCGRAW: Object to the form.**

22 **A I think that's a difference of opinion.**

1 **And if you have a question and you're answering**
2 **the questions, and then instead of just copying**
3 **and pasting everything to hope something will get**
4 **approved -- if you had a sincerely-held belief,**
5 **then they wouldn't be all over the place.**

6 **Q As I've looked at -- I understand we've**
7 **received the VaxTrax printouts for employees that**
8 **were approved, and it looks like there were three**
9 **category of employees that received religion**
10 **exemption requests. There were employees who had**
11 **received a flu vaccine exemption, a religious**
12 **exemption earlier. Do you recall that employees**
13 **were approved who had previous religious**
14 **exemptions?**

15 **A Yes. Yes.**

16 **Q And then -- and I'll come back to that.**
17 **And then there was employees who had listed or**
18 **described their Christian Science beliefs. Do you**
19 **recall some of those?**

20 **A I don't know if I would put those in**
21 **categories. There was just some that were**
22 **approved, yes. You said three separate**

192

1 **categories.**

2 **Q Well, yeah. I'm just -- I'm trying to**
3 **describe them, and I want to ask -- so do you**
4 **recall some that listed Christian Science beliefs?**

5 **A Yes.**

6 **Q And then there were the remote workers?**

7 **A May I get clarification?**

8 **Q Sure.**

9 **A Are you referring to '19 or '21?**

10 **Q Okay. I'm referring to '21.**

11 **A Okay. I'm sorry.**

12 **Q No. That's okay.**

13 **Well, let me ask you this: In 2020 -- if**
14 **someone had been approved for religious exemption**
15 **in 2019 for the flu vaccine, were they**
16 **automatically approved for religious exemption in**
17 **2020?**

18 **A For the flu vaccine, yes.**

19 **Q And then in 2021, with respect to the flu**
20 **vaccine, to start, if they had received a**
21 **religious exemption from the flu vaccine in 2019**
22 **or 2020, were they automatically approved for**

Transcript of [REDACTED]
Conducted on August 27, 2024

49 (193 to 196)

193

1 COVID -- excuse me. I'm sorry. I'm mixing my
2 vaccines up.
3 With respect to the religious exemption
4 submitted in 2021 related to the flu vaccine, if
5 an employee had been approved for a religious
6 exemption in 2019 or in 2020, were they
7 automatically approved for a flu vaccine religious
8 exemption in 2021?
9 **A Yes.**
10 **Q And what about COVID -- the COVID vaccine?**
11 **Same question: If they had -- well, let me just**
12 **ask again. If an employee had been approved for a**
13 **religious exemption in 2019 related to the flu**
14 **vaccine, in 2020 related to the flu vaccine, and**
15 **then they also sought an exemption in 2021 related**
16 **to the flu vaccine and the COVID vaccine, were**
17 **they automatically approved?**
18 **A Yes. But if they were approved, they**
19 **didn't have to keep applying. So you said**
20 **submission. So**
21 **Q Okay. So they didn't have to apply in**
22 **2021?**

194

1 **A They roll over for the flu. All of those**
2 **rolled over. So they wouldn't have to submit.**
3 **Q Did they have to submit again in 2021 to**
4 **obtain a religious exemption from the COVID**
5 **vaccine --**
6 **A -- from the COVID vaccine.**
7 **Q -- if they had received a flu vaccine**
8 **religious exemption?**
9 **A I don't believe so, if I recall correctly.**
10 **Q And even if they were required to submit,**
11 **they would have been automatically approved?**
12 **A Yes.**
13 **Q If we go back to the Religious Conflict**
14 **Comment or religious beliefs -- or religious -- I**
15 **should say: Is it fair to say the Religious**
16 **Conflict Comment is a description of the religious**
17 **conflict related to COVID vaccine for the**
18 **employees at -- or at least that's what it's**
19 **supposed to be?**
20 **A That's what it's supposed to be.**
21 **Q And you talked about how this discusses a**
22 **number of beliefs -- or many different beliefs; is**

195

1 that fair?
2 **A Yes.**
3 **Q Well --**
4 **A No. Sorry. No. I stated: There's a lot**
5 **of different things in here. There's beliefs.**
6 **There's Biblical quotes. There's personal**
7 **information. So there's a lot of different things**
8 **in here.**
9 **Q I guess, how do you know the line when it**
10 **becomes too much or too many different beliefs?**
11 **How would you have known that in 2021?**
12 **MS. MCGRAW: Object to the form.**
13 **A Again, this one was a template. So if**
14 **you're throwing in everything, then how is that a**
15 **sincerely-held belief?**
16 **Q What if they really believed all of those**
17 **things?**
18 **MS. MCGRAW: Object to the form.**
19 **A Based off of the process for this process,**
20 **then that wasn't what we were looking for was**
21 **everything, throwing in the sink.**
22 **Q And, again, you didn't speak with the**

196

1 employee and ask about whether they actually
2 believed these things or whether this was --
3 **A No. We did not.**
4 **Q And if the employee wasn't really sure**
5 **what to put in and just kind of put in too much**
6 **stuff, there's no guidance for employees on what**
7 **should be included and what should be excluded**
8 **from this submission?**
9 **A No.**
10 **MS. MCGRAW: Object to the form.**
11 **Mischaracterizes the process.**
12 **Q Do you recall any exemption request that**
13 **discussed abortion and was not a remote employee**
14 **that was approved?**
15 **A I don't know which ones were approved. I**
16 **wasn't -- I really don't.**
17 **Q So right now you don't -- you do not**
18 **recall any but --**
19 **A I do not recall.**
20 **Q On Page 2238 at the top, there is a -- do**
21 **you see the second line on the right side? It**
22 **begins -- there's a sentence that begins [REDACTED]**

Transcript of [REDACTED]
Conducted on August 27, 2024

50 (197 to 200)

<p>197</p> <p>1 [REDACTED]</p> <p>2 A Yes.</p> <p>3 Q And then it continues to talk about [REDACTED]</p> <p>4 [REDACTED] and then</p> <p>5 continues?</p> <p>6 A Yes.</p> <p>7 Q Do you know of any employee who didn't</p> <p>8 discuss one of the known denominations that was --</p> <p>9 that described a belief that was similar to this</p> <p>10 about their body being a temple of the Holy Spirit</p> <p>11 and then connecting that to the vaccine -- do you</p> <p>12 know -- do you recall any employee that was</p> <p>13 approved based on similar language?</p> <p>14 MS. MCGRAW: Object to the form.</p> <p>15 A I'm certain there was, but I couldn't tell</p> <p>16 you what the verbiage was.</p> <p>17 MR. DIEHL: I need to take a break if</p> <p>18 that's all right. Is now a good time?</p> <p>19 MS. MCGRAW: Okay.</p> <p>20 (Whereupon, a recess was taken.)</p> <p>21 BY MR. DIEHL:</p> <p>22 Q All right. Are you aware that for a</p>	<p>199</p> <p>1 That's a different department.</p> <p>2 Q Is there someone in HR that's sort of in</p> <p>3 charge of recruiting?</p> <p>4 A They have managers, yes. Melinda and</p> <p>5 Kelly.</p> <p>6 Q And then different recruiters are in</p> <p>7 charge of recruiting, say, nurses versus doctors</p> <p>8 or something like that. Do you know?</p> <p>9 A I don't know. I would think so, but I</p> <p>10 don't know. That would be something</p> <p>11 Q During the process for reviewing religious</p> <p>12 exemptions related to the COVID vaccine in 2021,</p> <p>13 did the committee discuss any difficulty that UVA</p> <p>14 might have in filling the positions for employees</p> <p>15 who were no longer employed?</p> <p>16 A I don't know. I wasn't a part of those</p> <p>17 conversations.</p> <p>18 Q Yeah. I guess -- so any meeting that you</p> <p>19 were at, you don't recall --</p> <p>20 A No.</p> <p>21 Q -- any discussion about that?</p> <p>22 A No.</p>
<p>198</p> <p>1 number of -- well, actually, let me just ask you</p> <p>2 about another topic first. It seems like UVA is</p> <p>3 always trying to recruit employees. Does that</p> <p>4 sound like a fair characterization?</p> <p>5 MS. MCGRAW: Object to the form.</p> <p>6 A We always have positions that need to be</p> <p>7 filled.</p> <p>8 Q Right. And do you have any idea of how</p> <p>9 many positions need to be filled at any given</p> <p>10 time?</p> <p>11 A I don't do recruiting. So I don't know.</p> <p>12 Q And who at UVA is involved in recruiting?</p> <p>13 A The recruiters and their managers.</p> <p>14 Q Well, I guess, where -- is that part of</p> <p>15 your department? Is that part of Human Resources?</p> <p>16 A Yes.</p> <p>17 Q Okay. But it's different employees. It's</p> <p>18 not the HR business partners?</p> <p>19 A Correct.</p> <p>20 Q And what would their titles be? Or do you</p> <p>21 know who does recruiting?</p> <p>22 A Recruiting -- recruiters. I don't know.</p>	<p>200</p> <p>1 Q And then we talked briefly about the page</p> <p>2 on Exhibit 1 that mentioned undue hardship, but</p> <p>3 other than what you said already, do you recall</p> <p>4 anything about the issue of undue hardship and the</p> <p>5 exemption process related to the COVID vaccine in</p> <p>6 2021?</p> <p>7 A I do not.</p> <p>8 Q Did you understand generally what an undue</p> <p>9 hardship might be related to an exemption from the</p> <p>10 COVID vaccine?</p> <p>11 MS. MCGRAW: Objection to the extent it</p> <p>12 calls for --</p> <p>13 A I don't because I wasn't --</p> <p>14 MS. MCGRAW: -- a legal conclusion.</p> <p>15 Let me get the objection out.</p> <p>16 Objection to the extent it calls for a</p> <p>17 legal conclusion.</p> <p>18 MR. DIEHL: Can you read back the</p> <p>19 question.</p> <p>20 (Whereupon, a discussion was had off the</p> <p>21 record.)</p> <p>22 MR. DIEHL: Can we just say "same</p>

Transcript of [REDACTED]
Conducted on August 27, 2024

51 (201 to 204)

201
1 objection with respect to any legal conclusion"?
2 Is that fine, Wendy?
3 MS. MCGRAW: Yeah.
4 BY MR. DIEHL:
5 Q So with respect to the Religious Exemption
6 Committee's process and any meetings you were a
7 part of in 2021, do you recall any discussion
8 about the issue of undue hardship?
9 **A I don't recall. No.**
10 Q And whether there was discussion or not,
11 did you have an understanding in 2021 of what an
12 undue hardship might be with respect to a
13 religious exemption request?
14 MS. MCGRAW: Same objection to the extent
15 it calls for a legal conclusion.
16 **A I didn't have to be a part of the undue**
17 **hardship process.**
18 Q Yeah. I understand. Whether or not you
19 were part of the process or not -- and I'm not
20 asking you for any legal conclusion. I'm just
21 asking: Did you have any understanding
22 personally about --

202
1 **A I understand.**
2 Q -- what an undue hardship might be related
3 to an exemption request related to the COVID
4 vaccine in 2021?
5 **A Yes.**
6 Q What was your understanding? And, again,
7 you're not speaking as a lawyer.
8 **A I understand about the undue hardship**
9 **process, but as far as reviewing the exemptions**
10 **that came through, I did not have to worry about**
11 **the undue hardship on a department.**
12 Q Yeah. And I just want -- I'm just asking
13 you sort of part of that or a similar question, I
14 think, not as a lawyer, but just what did you
15 understand about what an undue hardship might be
16 in the context of religious exemption requests in
17 2021?
18 **A I didn't have the -- sorry. I'm going to**
19 **re-answer that, and no.**
20 Q Are you aware that UVA changed its policy
21 related to religious exemptions and the COVID
22 vaccine at some point?

203
1 MS. MCGRAW: Object to the form.
2 Q Well -- okay. I'll rephrase it. This is
3 a good objection.
4 There was a process for reviewing
5 religious exemptions and criteria that you and the
6 committee members applied in 2021, correct?
7 **A Yes.**
8 Q And did that process between July or
9 August of 2021 and today -- did that process
10 change?
11 **A Not that I'm aware of outside of the**
12 **remote workers.**
13 Q Today, I guess, or -- well, when did -- do
14 you recall when the COVID vaccine requirement
15 ended?
16 **A I don't. I don't because I wasn't a part**
17 **of the religious committee when that -- I believe**
18 **when that ended.**
19 Q Okay. When did the committee change, to
20 your knowledge?
21 **A When did -- I don't understand what you**
22 **mean by the committee changed. Changed to what?**

204
1 Q Well, yeah. So there was a Religious
2 Exemption Committee in 2021 that carried over into
3 2022, correct?
4 **A Yes.**
5 Q And then your participation in that
6 committee ended in August 2022; is that right?
7 **A So once the decision was that the vaccine**
8 **was no longer required, there was no more**
9 **committee.**
10 Q Do you know whether there was a committee
11 before the vaccine requirement ended while the
12 vaccine requirement -- put in another way, do you
13 recall that there was a Religious Exemption
14 Committee up until the requirement of the COVID
15 vaccine ended at UVA Health?
16 MS. MCGRAW: Object to the form.
17 **A You just confused me.**
18 Q Sure.
19 **A There was a committee from the time that**
20 **the vaccine was implemented that everyone had to**
21 **and then up until when there wasn't a requirement**
22 **for the vaccine. I don't know about a change in**

Transcript of [REDACTED]
Conducted on August 27, 2024

52 (205 to 208)

205
1 the committee process during that time.
2 Q Were you on that committee?
3 A Yes.
4 Q The entire time?
5 A Yes.
6 Q Do you recall when the last time you met
7 with the Religious Exemption Committee?
8 A Oh, no. It's been a while.
9 Q If you could pull up -- I think it's
10 Exhibit 3. It's the interrogatory answers. So,
11 no. It's Exhibit 2. Sorry. And then the first
12 interrogatory answer, which is on the third page,
13 I believe, lists members of the -- Religious
14 Accommodation Committee.
15 Do you see that?
16 A Yes.
17 Q And then that answer a little bit earlier
18 about their names -- do you see that that answer
19 that talks about the time period -- do you see
20 there on Page 4 at the bottom, there's Dr. Craig
21 Kent, Wendy Horton, and Dr. Costi Sifri. Is it
22 "Cost-y" Sifri, by the way?

206
1 A "Coast-y."
2 Q "Coast-y." Okay.
3 And then the next paragraph begins, "The
4 following individuals"
5 Do you see that?
6 A Yes.
7 Q So this says that -- as I read this, the
8 Religious Exemption Committee was -- this group
9 had responsibility from July 1st, 2021, through
10 approximately August of 2022?
11 MS. MCGRAW: And I'll just note an
12 objection for the record that there's more of the
13 response that's being read, including the
14 objection that explains the different time
15 periods.
16 You can answer.
17 A Okay. I'm sorry. Can you ask your
18 question again.
19 Q So I guess my question is: Do you recall
20 that you were part of the Religious Exemption
21 Committee after August 2022?
22 A I don't even remember reviewing after

207
1 August 2022. Like, I don't remember when we ended
2 reviewing.
3 Q What's that? Sorry.
4 A I'm trying to think of when my supervisor
5 started.
6 Q Let's mark another exhibit. I'm going
7 to -- it has two different stapled documents and
8 I'm going to clip it together here.
9 (Whereupon, Exhibit 8 was marked for
10 identification.)
11 Q And I suspect you have not seen at least
12 this entire exhibit before?
13 A I can say I have not seen this top -- this
14 one.
15 Q And I'll just represent to you this was --
16 this document was submitted in the lawsuit by
17 UVA's lawyers. And just -- if you go to -- and
18 this is a declaration, which is a written
19 statement or testimony from Karmen Fittes.
20 A Yes.
21 Q And what's her -- oh, she's Chief -- is
22 she currently Chief --

208
1 A Chief Human --
2 Q -- UVA Health Human Resources?
3 A Chief Human Resources officer for UVA
4 Health.
5 Q Okay. And then if you go to Paragraph 6
6 -- you don't even have to read the whole thing
7 because I -- Paragraph 6 describes Exhibit 1.
8 Do you see that?
9 A Yes.
10 Q And we're going to -- I'm going to ask you
11 about Exhibit 1, which is -- so that's Exhibit 1
12 to Exhibit 8.
13 MS. MCGRAW: And I'm going to advise the
14 witness that if she'd like to read more of the
15 cover document, she's entitled to do so.
16 MR. DIEHL: Well, that's fine, I guess.
17 Q I'm only going to ask you about Exhibit 1.
18 I just am trying to explain what Exhibit 1 is, but
19 if you need to, read more. So, yeah. So Exhibit
20 1 to Exhibit 8 -- if you can go to that.
21 A 1 through 8?
22 Q No. Sorry. It's very confusing.

Transcript of [REDACTED]
Conducted on August 27, 2024

53 (209 to 212)

209
1 So Exhibit 8 is this.
2 A Yes.
3 Q It has two documents that are stapled --
4 that are both stapled?
5 A Yes.
6 Q And then Exhibit 8 has its own exhibit
7 because lawyers love -- you know, because we get
8 paid by the exhibit or something, but Just
9 kidding.
10 A Exhibit 1?
11 Q Exhibit 1 to Exhibit 8. So that's what
12 I'm -- and if it seems fair to you, I'm just going
13 to refer to Exhibit 1 to Exhibit 8 as the 2022
14 Procedure and Guidance.
15 Does that make sense?
16 A Yes.
17 Q Okay. So if you could pull up the first
18 page, which says at the top -- and the blue
19 language at the top there of Exhibit 1 to Exhibit
20 8, that 2022 Procedure and Guidance, just know
21 that that's from the lawsuit where it says
22 Document 31-1 and Page 2 of 10.

210
1 A Okay.
2 Q Do you see that at the top?
3 A Yes.
4 Q So that was added in the lawsuit. So with
5 respect to this 2022 Procedure and Guidance, are
6 you familiar with this document?
7 A I wasn't a part of this process, but
8 I'm -- yes. This looks like
9 Q So to the extent there was a process for
10 reviewing religious exemptions that changed in
11 2022, you were not a part of any change to the
12 process in 2022?
13 A After 2022, Katy Hoffman became the
14 reviewer. We didn't review anymore.
15 Q Okay. Is it your understanding that Katy
16 Hoffman was the exclusive reviewer, or was there a
17 committee working with Katy Hoffman?
18 MS. MCGRAW: Object to the form.
19 A My understanding is the reviewer for the
20 religious exemption. I don't know if there was
21 any other people involved.
22 Q Is Katy Hoffman's title Senior Director of

211
1 Services?
2 A I'm assuming so, yes. That's what's
3 there.
4 THE REPORTER: Off the record.
5 (Whereupon, a recess was taken.)
6 BY MR. DIEHL:
7 Q So I was just asking you about this 2022
8 Procedure and Guidance, and I believe you said you
9 were not a part of using this Guidance?
10 A Correct.
11 Q Did you receive any training on the 2022
12 Procedure and Guidance?
13 A Not that I'm aware. I don't recall this.
14 Q Are you aware of offers made by the
15 University of Virginia Health System to hire or
16 rehire the plaintiffs in this lawsuit?
17 A I was -- I heard that there were offers
18 extended to individuals who were terminated or
19 left during the COVID process.
20 Q And do you know anything about that other
21 than what you just said?
22 A I don't know anything more about it.

212
1 Q Do you know anyone other than Katy Hoffman
2 that might have been involved in that process?
3 A I do not.
4 Q Is it fair to say that UVA Health has
5 undertaken a number of different efforts to try to
6 recruit and entice employees to come work there?
7 MS. MCGRAW: Object to the form.
8 A I'm not a recruiter. I don't have
9 anything to do with the recruiting process at all.
10 Q Do any of the business -- well, when I say
11 the areas that you support -- I forgot exactly the
12 language we used earlier -- is it business areas
13 you support or business units, or how would you
14 describe that?
15 A Units.
16 Q Units. Okay.
17 So do you know of any business units that
18 you work with in your HR business partner role
19 that are having difficulty filling certain
20 positions?
21 MS. MCGRAW: Object to the form.
22 A Yes.

Transcript of [REDACTED]
Conducted on August 27, 2024

54 (213 to 216)

213

1 Q And were the units that you supported in
2 2021 -- did those units at that time have
3 difficulty filling certain roles?
4 MS. MCGRAW: Object to the form.
5 **A The unit that I'm referring to has always**
6 **had difficulties filling their roles because we're**
7 **looking for pharmacists.**
8 Q Is it hard to recruit pharmacists because
9 you're in Charlottesville or just because it's
10 hard to get pharmacists, to your knowledge?
11 MS. MCGRAW: Object to the form.
12 **A My understanding is pay.**
13 Q Any other roles from over the last several
14 years in the units that you supported that have --
15 to your knowledge, have been difficult to fill?
16 MS. MCGRAW: Object to the form.
17 **A That's the only ones I've been involved**
18 **in. I can't say that there wasn't any, but that's**
19 **the only ones I've been involved in.**
20 Q Let's mark another exhibit. We're on 9, I
21 believe.
22 (Whereupon, Exhibit 9 was marked for

214

1 identification.)
2 Q And I'll just represent to you that
3 Exhibit B is a cover page that was added by
4 someone. I don't remember who. It might have
5 been UVA's lawyers in the lawsuit -- related to
6 the lawsuit, but the document -- the original
7 document starts at the second page of Exhibit 9,
8 which has a label from the lawsuit of Page 2 of
9 12.
10 Do you see that?
11 **A Yes.**
12 Q Are you familiar with this document,
13 Exhibit 9?
14 **A It looks like an FAQ.**
15 Q I guess, were you involved in any way with
16 creating this document?
17 **A No. I don't recall being a part of this.**
18 Q Do you know --
19 **A Is this --**
20 Q Go ahead.
21 **A Sorry. Asking myself questions.**
22 Q Okay. Do you know who would have been in

215

1 charge of communications in 2021 -- specifically
2 around the time of August 2021, who at UVA would
3 have been in charge of communications to employees
4 or team members about the COVID vaccine
5 requirement?
6 MS. MCGRAW: Object to the form.
7 **A I don't know if the medical center**
8 **communication team or the academic side**
9 **communication team. I wasn't part of that. So I**
10 **don't**
11 Q We looked at a number of the VaxTrax
12 records. Those would have all been submitted by
13 team members, correct?
14 **A Yes.**
15 Q And so those would have all been UVA
16 employees?
17 MS. MCGRAW: Object to the form.
18 **A Or -- well, employees that work at UVA.**
19 Q Okay. Let me ask you a better question:
20 In 2021, related to the COVID vaccine exemption
21 process, UVA used VaxTrax at that time?
22 **A Correct.**

216

1 Q And team members who were seeking an
2 exemption would have submitted their request for
3 an exemption through VaxTrax?
4 **A Correct.**
5 Q And with respect to the team members that
6 submitted those requests, those would have been
7 employees who worked for UVA?
8 MS. MCGRAW: Object to the form.
9 **A Employees who have UVA Health e-mail**
10 **addresses. They have to be able to have access to**
11 **VaxTrax.**
12 Q And do you know what criteria there was --
13 what the criteria was in 2021 to have a UVA e-mail
14 address?
15 **A I don't know what the criteria is to have**
16 **a UVA Health e-mail address.**
17 Q All the members of the Exemption Committee
18 were employees of UVA that worked in the UVA Human
19 Resources Department -- correct? -- in 2021?
20 **A All the committee members --**
21 Q Yes.
22 **A -- worked on the academic side? Yes.**

Transcript of [REDACTED]
Conducted on August 27, 2024

55 (217 to 220)

217

1 Q Well --
2 **A Worked for Human Resources?**
3 Q Correct.
4 **A Yes.**
5 Q And all of the committee members of the
6 UVA Health Religious Exemption Committee, those
7 were all Human Resources employees from UVA
8 Health, from the health side as opposed to the
9 academic side?
10 **A Well, we're all academic employees. We**
11 **just support the Health System side. So we are**
12 **academic employees who support -- UVA HR is an**
13 **academic area. We're all academic employees. We**
14 **support the medical center.**
15 Q There's a joke in there somewhere about
16 it's all academic or something like that, but I
17 couldn't come up with it. So that's helpful.
18 So you now and in 2021 are and were an
19 academic-side-of-UVA employee?
20 **A I'm an academic employee, yes.**
21 Q But your job is to support UVA Health?
22 **A Yes.**

218

1 Q So back to my question about VaxTrax: Is
2 it your understanding that the employees who
3 submitted -- let me start that again to use the
4 right word.
5 In 2021, is it your understanding that the
6 team members that submitted to VaxTrax were UVA
7 Health employees?
8 MS. MCGRAW: Object to the form.
9 **A No. I didn't state that. My**
10 **understanding is that they all had UVA -- they had**
11 **to have a UVA Health ID because there were some**
12 **that were not UVA state employees but there were**
13 **some non-UVA employees, and that's the way they**
14 **were identified in the system, as non-UVA**
15 **employees.**
16 Q What's the --
17 **A They're not paid by the medical center,**
18 **but they work in the medical center.**
19 Q Is there any other distinctions between
20 those employees and what you might refer to --
21 well, I guess you've referred to as state
22 employees; is that right?

219

1 MS. MCGRAW: Object to the form.
2 Q I guess I'm trying to understand the
3 distinction.
4 **A It's an employee with their profile, and**
5 **if they didn't work for or paid by the medical**
6 **center, they were in the system as non-UVA**
7 **employees.**
8 Q And then do you know with respect to those
9 employees that you were talking about that were
10 not paid by the medical center -- do you know of
11 any other differences between them and employees
12 that were paid by the medical center with respect
13 to team members that submitted requests in VaxTrax
14 in 2021?
15 MS. MCGRAW: Object to the form. Vague,
16 ambiguous, calls for speculation.
17 **A No. I'm not aware.**
18 Q Did you ever hear anything about what's
19 been referred to as the CMS mandate or interim
20 final rule from the Center for Medicare or
21 Medicaid Services?
22 **A No.**

220

1 Q Did you ever hear in 2021 about an
2 emergency rule or some other -- something from the
3 Department of Labor related to the COVID vaccine?
4 **A I don't recall. I don't know.**
5 Q Do you know if UVA -- let me break it
6 down.
7 Do you know if UVA Health ever required
8 any boosters for COVID vaccines or related to
9 COVID vaccines?
10 **A I don't -- I mean, I don't believe the**
11 **boosters were required.**
12 Q Do you know why not?
13 **A I don't.**
14 Q Do you have any understanding that
15 boosters were at some point important to the
16 effectiveness of COVID vaccines?
17 MS. MCGRAW: Object to the form.
18 **A (No audible response.)**
19 Q You don't know?
20 **A (No audible response.)**
21 Q Let's mark Exhibit 10.
22 (Whereupon, Exhibit 10 was marked for

Transcript of [REDACTED]
Conducted on August 27, 2024

56 (221 to 224)

221
1 identification.)
2 Q Take a look at Exhibit 10. Do you know --
3 did you ever know why the information is so short
4 in this submission, by any chance?
5 A No.
6 Q In 2021, with respect to any exemption
7 requests that was granted related to the flu in
8 2019 or in 2020, did the committee go back and
9 review those previous requests using the standard
10 that was applied in 2021 and decide whether or not
11 that previous request was valid under the 2021
12 standard?
13 MS. MCGRAW: Object to the form.
14 A No.
15 Q Well, I'm going to have to break it down
16 because --
17 A Yeah.
18 Q -- she's objecting.
19 So if I recall your testimony, in 2019,
20 you reviewed most of the requests, and there was a
21 decision made about whether to grant or deny the
22 requests with respect to religious exemption

222
1 requests for the flu vaccines?
2 A Correct.
3 Q And the same in 2020?
4 A Correct.
5 Q And then in 2021, the question is: Did
6 the -- for those individuals, did the 2021
7 Religious Exemption Committee for UVA Health --
8 did that committee or any of its members go back
9 and look at those individuals' earlier requests
10 and evaluate them using the same criteria that was
11 applied in 2021?
12 MS. MCGRAW: Object to the form. Asked
13 and answered.
14 A Can I ask what you're asking me because --
15 Q Well, I'm trying -
16 A -- it sounds like you're asking me -- are
17 you asking me in 2021, did we go back and review
18 the submissions from '19 and '20 to reevaluate?
19 Q Yes.
20 A No.
21 Q And by "we," you mean the --
22 A The committee.

223
1 Q -- the Religious Exemption Committee?
2 A Yes.
3 Q And then it's your understanding, if I
4 recall correctly, that those individuals that had
5 earlier religious exemption requests approved
6 related to the flu vaccine, they were
7 automatically approved for exemptions from the
8 COVID vaccine?
9 A Correct.
10 Q Was there a discussion about that at all,
11 about that process?
12 A Not with the committee. There was a
13 discussion had, and then it was decided that those
14 that will roll over will also get the approval.
15 Who made that decision? I don't know.
16 Q Do you know who had the discussion about
17 that?
18 MS. MCGRAW: Object to the form.
19 A I do not.
20 Q Do you know anyone that was involved in
21 the decision by UVA Health to automatically grant
22 exemptions in 2021 because of an earlier approved

224
1 exemption from 2019 or 2020?
2 A For the COVID?
3 Q Yes.
4 A For the COVID vaccine?
5 Q Do you know who was involved?
6 A I don't.
7 Q I'm going to mark three documents as one
8 exhibit, and then we'll talk about whether
9 that's
10 (Whereupon, Exhibit 11 was marked for
11 identification.)
12 Q And just so we're quite literally on the
13 same page, you see there's three different stapled
14 documents there?
15 A Yes.
16 Q And it's hard to read, but it looks like
17 the first document that has the Bates Number 6817,
18 the top e-mail at the top of the page was sent on
19 12/3/2020 or so. Does that look right to you?
20 A Yes. Yes.
21 Q And then the next document -- the top --
22 the next stapled document begins with the Bates

Transcript of [REDACTED]
Conducted on August 27, 2024

57 (225 to 228)

<p style="text-align: right;">225</p> <p>1 Label 6815. 2 Do you see that? 3 A Yes. 4 Q And that e-mail was sent -- the top e-mail 5 was sent on November 13th, 2020? 6 A Yes. 7 Q And then if you go to the third page or 8 the third document that begins 6984 -- do you see 9 that document? 10 A Yes. 11 Q And that is from December 3rd, 2020? 12 A Yes. 13 Q And it's my understanding that the 274 at 14 the top was added, but that's because they all 15 relate to a particular employee whose name was 16 redacted; is that correct? 17 MS. MCGRAW: That is correct. All of the 18 names have been redacted, and they've been 19 anonymized and assigned an anonymous number. 20 MR. DIEHL: Right. But I guess -- 21 MS. MCGRAW: She doesn't know anything 22 about that; but, yeah.</p> <p style="text-align: right;">226</p> <p>1 MR. DIEHL: No. I understand that, but if 2 we saw the name, we could understand that this was 3 back-and-forth from the same person -- 4 MS. MCGRAW: Correct. 5 MR. DIEHL: - but the fact that it says 6 274 at the top of each of the different stapled 7 documents, that's because it relates to the same 8 employee? 9 MS. MCGRAW: Correct. 10 BY MR. DIEHL: 11 Q With that understanding, [REDACTED], could 12 you look at these e-mails, and do these relate to 13 a religious exemption request from 2020? 14 A Yes. 15 Q So is it correct that this is at a time 16 when you used e-mail as opposed to VaxTrax, or is 17 this something different because it talks about 18 VaxTrax -- 19 A It looks like it was submitted in VaxTrax 20 and then our e-mails kept going back through UVA 21 Health Screening, which is the other e-mail 22 address that I was talking about. We had</p>	<p style="text-align: right;">227</p> <p>1 ImmunizeUVA at first, and then I couldn't remember 2 the name of it, but there it is. 3 Q So looking at this Exhibit 11, these 4 exchanges from 2020, there was a process using 5 VaxTrax, but that also sent out e-mails like 6 these, so they're part of Exhibit 11? 7 A Yes. 8 Q Were there e-mails that were similar to 9 Exhibit 11 in 2021 that came out of VaxTrax or 10 were related to VaxTrax similar to Exhibit 11? 11 A I believe those were back-and-forth -- 12 well, in a system like VaxTrax, but I don't 13 remember what it was called; but, yes. Our 14 Qualtrics forms came to that e-mail address. 15 Q So the Qualtrics forms in 2021 related to 16 applicants who would have gone through -- 17 A That e-mail address. 18 Q -- this e-mail address? 19 A Yes. 20 Q And that's uvahealthscreening -- 21 A -- @virginia.edu. 22 Q Okay. I'm going to mark Exhibit 12.</p> <p style="text-align: right;">228</p> <p>1 (Whereupon, Exhibit 12 was marked for 2 identification.) 3 Q And if you can take a look at Exhibit 12, 4 I understand this is another VaxTrax printout and 5 it's related to this ID -- employee that's been 6 assigned the 274 ID, but that wasn't obviously the 7 ID originally in VaxTrax. I'm just going to ask 8 you about that first page of Exhibit 12 -- 9 A Okay. 10 Q -- but tell me if you get a chance to look 11 at it. 12 So the first page indicates that the 13 employee received the COVID vaccine, it looks 14 like, near the top there? 15 A Yes. 16 Q And so they had been granted a flu vaccine 17 in 2020, it looks like from Exhibit 11; is that 18 correct? Or maybe -- this is also, I think, on 19 Exhibit 12. 20 A Where? 21 Q Well, if you look at the first page of 22 Exhibit 11, that December 3rd, 2020, e-mail that</p>
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Transcript of [REDACTED]
Conducted on August 27, 2024

58 (229 to 232)

229

1 says "Dear Applicant" --
2 A Yes.
3 Q -- "your request for a religious exemption
4 was approved."
5 Did you see that?
6 A Are you talking about on this?
7 Q Yep. On the first -- the top e-mail on
8 Exhibit 11 that is the page Bates Number 6817.
9 A Okay. Underneath, yes.
10 Q It says, "Good afternoon," and then their
11 name's redacted. Must have a very long name. It
12 says, "Dear Applicant," and then it says, "your
13 request for a religious exemption was approved."
14 A On the December 3rd, 2020?
15 Q Yeah.
16 A I see "Your inquiry regarding the denial
17 of your religious exemption request was forwarded
18 to me." That?
19 MS. MCGRAW: He's looking at --
20 MR. DIEHL: Are we out of order?
21 MS. MCGRAW: I think it's maybe mixed up,
22 yeah. This one.

230

1 MR. DIEHL: Yeah.
2 MS. MCGRAW: Give her the Bates number for
3 the record.
4 MR. DIEHL: Yeah.
5 BY MR. DIEHL:
6 Q I'm talking about Bates number -- the page
7 on Exhibit 11 --
8 A 817.
9 Q 6817.
10 A Yes.
11 Q And then the top e-mail at the top of the
12 page, do you see where it says, "Your request for
13 religious exemption was approved"?
14 A Yes.
15 Q And so that top communication that's
16 addressed "Good afternoon" and then the person's
17 name, that would have come from you because you
18 signed it there; is that right?
19 A Yes.
20 Q And so that would indicate that they were
21 approved, as it says, correct?
22 A Yes.

231

1 Q Okay. So then we go to Exhibit 12, which
2 was the same employee, I understand. So as I look
3 through this, the records from VaxTrax in
4 Exhibit 12, it looks like the employee received
5 the COVID vaccine but was approved for a flu
6 vaccine exemption; is that correct?
7 MS. MCGRAW: Object to the form.
8 Mischaracterizes the document.
9 Q Well, I'm asking you to look at the
10 document and tell me once you get a chance to look
11 at Exhibit 12.
12 A I'm confused with these dates because this
13 one says 2020, and the dates of the vaccination
14 was 2021. So I'm not certain what
15 Q So maybe it would be helpful to go to --
16 I'll give you a Bates number page in Exhibit 12 in
17 one second here. So maybe start -- if you go to
18 Page 2476.
19 A Okay.
20 Q So it looks like -- and then the box
21 that's labeled S-T-R-U-C-T in black?
22 A Yes.

232

1 Q Okay. And it looks like this change was
2 made by the Requestor. And for earlier, that was
3 changed by UVA from their name to Requestor. Do
4 you recall that?
5 A Yes.
6 MS. MCGRAW: It was actually changed from
7 their Changed by ID to the word "Requestor."
8 MR. DIEHL: So it was changed. It would
9 be helpful if we make changes to the documents to
10 put some sort of indication of that on the
11 document.
12 MS. MCGRAW: I think it was in the cover
13 letter I sent to you.
14 MR. DIEHL: I understand that, but it's
15 still helpful because now this document looks like
16 it -- you know, if you don't have a cover letter,
17 but we'll address that some other time.
18 BY MR. DIEHL:
19 Q But it looks like -- so on the Religious
20 Belief Comment and Religious Conflict Comment,
21 there's information submitted from the employee on
22 Page 2476.

Transcript of [REDACTED]
Conducted on August 27, 2024

59 (233 to 236)

233

1 Do you see that?

2 A Yes.

3 Q And so that information described there

4 was sufficient to obtain an exemption request in

5 2020?

6 MS. MCGRAW: Object to the form.

7 Q -- or excuse me -- obtain approval for a

8 religious exemption request from the flu vaccine

9 in 2020?

10 A Correct.

11 MS. MCGRAW: Object to the form.

12 Mischaracterizes Exhibits 11 and 12.

13 MR. DIEHL: I'm genuinely -- I'm trying to

14 understand the objection, Counsel.

15 MS. MCGRAW: There was more submitted than

16 just the one table that you just identified.

17 MR. DIEHL: Okay. That's helpful.

18 Q So Exhibit 11 has additional information

19 that's from the employee in the e-mails that are

20 part of Exhibit 11, if you have a chance to take a

21 look at that.

22 A This one or this one?

234

1 Q Yeah. So the e-mails are Exhibit 11. So

2 you're looking at Exhibit 12, the VaxTrax one.

3 For a second, take a look at Exhibit 11. It looks

4 like there's additional information or may be

5 additional information in Exhibit 11 in the e-mail

6 messages.

7 Let me just ask you this: In 2021, was

8 there a way for employees to submit additional

9 information by e-mail that would be considered by

10 the Exemption Review Committee related to a

11 religious exemption request?

12 A They could resubmit in VaxTrax additional

13 information.

14 Q Was there a limit to the amount of

15 information they could provide in VaxTrax?

16 A A limited time?

17 Q Well, a limit in terms of space or --

18 A No.

19 Q -- the amount of information?

20 A No. You provided a document with -- no.

21 Q So if you go to Page 2480, that's a -- it

22 looks like that's a -- well, it begins on Page

235

1 2479. Are you there on Exhibit 12?

2 A Yes.

3 Q And then you see there's a request from --

4 it looks like it's a change by you in September of

5 2021.

6 Do you see that?

7 A Yes.

8 Q So does it seem to you -- and I don't know

9 if there's some other part you can look at of this

10 Exhibit 12, but did you go in and approve a flu

11 vaccine exemption in 2020 -- sorry. Let me start

12 over.

13 For this individual that's been -- has ID

14 274 assigned to them, in September of 2021, do you

15 know if there was a request made by the employee?

16 A Yeah. I don't know outside of what's

17 here. I can't -- yeah. This is very confusing.

18 Q And do you know if normally the employee

19 would have had to make a request to be then

20 approved because of an earlier approval?

21 A So I know --

22 MS. MCGRAW: Object to the form.

236

1 THE WITNESS: Sorry.

2 MS. MCGRAW: Go ahead.

3 A I know for flu vaccine some people didn't

4 know that they were going to be automatically

5 approved and some people would still submit. I

6 can't say this is the case with this one. I just

7 know that some people didn't know that they would

8 be automatically approved over. So, again, this

9 is very confusing.

10 Q I don't see an approval -- an automatic

11 approval related to the COVID vaccine in

12 Exhibit 12.

13 MS. MCGRAW: There's no question yet.

14 So --

15 Q Do you see something related to that in

16 Exhibit 12?

17 A I don't see a request for COVID.

18 Q Well, that's -- I guess to ask a different

19 question: I thought there was automatic approval

20 for COVID vaccine exemption requests in 2021 when

21 the person had been approved for religious

22 exemption requests related to flu in, for example,

Transcript of [REDACTED]
Conducted on August 27, 2024

60 (237 to 240)

237
1 2020?
2 **A It was. And if people decided to obtain**
3 **the vaccination on their own, that would override**
4 **the approval.**
5 Q Okay. So there's approval, and then if
6 they got the COVID vaccine, then that would be
7 removed from VaxTrax?
8 **A Correct. Correct.**
9 Q I've seen a reference to the Church of
10 Universal Wisdom.
11 **A I don't recall that.**
12 Q I'm going to mark two exhibits, which are
13 Exhibits 13 and 14.
14 (Whereupon, Exhibits 13 and 14 were marked
15 for identification.)
16 Q If you could take a look at -- it looks
17 like these are both documents related to Employee
18 218, 2-1-8, a number that's been assigned by UVA's
19 lawyers. Does that appear correct to you?
20 **A Yes.**
21 Q And so one is an e-mail from 2020, and the
22 other is a VaxTrax printout from 20- -- well,

238
1 there are different dates on it, but there is --
2 it looks like the latest date on this is August
3 29th, 2022.
4 MS. MCGRAW: Which, again, for the record,
5 is the automatic system generated.
6 MR. DIEHL: Can you explain that again.
7 MS. MCGRAW: You'll see it on every single
8 one of these reports. And because we wanted to
9 give you inclusive of everything that was in
10 VaxTrax, we didn't delete that out. But on August
11 29th, 2022, the system recreated whatever the past
12 was and put it in here.
13 MR. DIEHL: Okay.
14 Q So we're not sure if the 2022 date is
15 correct, but there is a September 29th, 2021, date
16 on Page Bates Labeled 2399.
17 **A Yes.**
18 Q Okay. So that would be related to a
19 request in 2021?
20 **A Yes. I'm seeing that's what it looks**
21 **like.**
22 Q Okay. Do you have any idea what the Task

239
1 IDs mean?
2 **A Other than what we went over, the Task ID,**
3 **the Changed By, the date it was initiated.**
4 Q But it is the Task ID --
5 **A I don't know Entry Count.**
6 Q Sorry. What were you saying?
7 **A I was going down the list.**
8 Q Yeah. But do you know what the number in
9 the Task ID column means?
10 **A No. I don't know what the 3 stands for.**
11 Q Yeah. There's a 19 in some, 25, there's a
12 3. Yeah. You don't know?
13 **A No.**
14 Q So if we go, for example, to the page
15 beginning on -- the request, I think it is
16 beginning on 2397, if you find the black box
17 labeled S-T-R-U-C-T.
18 **A Yes.**
19 Q And it looks like this is something done
20 by the Requestor on October 23rd, 2020. Does that
21 seem correct from your reading?
22 **A Yes.**

240
1 Q Okay. And then the Religious Belief
2 Comment is for the First Church of Christ,
3 Scientist, [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 And then the Religious Conflict Comment
7 is, [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 Do you see that?
11 **A Yes.**
12 Q So that would have been information
13 provided by the employee?
14 **A Yes.**
15 Q And then if we look at Exhibit 13, some of
16 that language that we just read on Exhibit 14 is
17 in the e-mail that has the Bates Number 6795?
18 **A Yes.**
19 Q And it looks like, then, if we go to the
20 next page, 2398, there is a change in VaxTrax or a
21 Changed by ID that was you because you're Number
22 8, correct?

Transcript of [REDACTED]
Conducted on August 27, 2024

61 (241 to 244)

241

243

1 A Correct.

2 Q And then it looks like, based on the
3 Religious Belief Comment and Religious Conflict
4 Comment submitted by this employee, their request
5 for religious exemption related to the flu vaccine
6 in 2020 was approved. Am I reading that
7 correctly?

8 A Yes.

9 Q And then it looks like there's automatic
10 approval for -- well, I don't know. I should ask.
11 If you go to the next page, that is 2399, there's
12 a box that starts with Task ID 25 in the first --
13 and then there's a Changed by ID of 8.

14 Do you see that?

15 A Yes.

16 Q And 8 is you?

17 A Yes.

18 Q And so it's September 13th, 2021, and then
19 the -- down at the bottom of that table is
20 Religious Review Comment that "Your request for
21 religious exemption was approved. You have been
22 marked as compliant."

242

1 Do you see that?

2 A Yes.

3 Q And do you believe that was the automatic
4 approval that we've talked about?

5 A I'm assuming. I don't know why it's in
6 here multiple dates with the same information.
7 It's like duplicates of everything.

8 Q Do you think it's likely that this
9 employee submitted their Religious Belief Comment
10 and Religious Conflict Comment in 2021 again, or
11 was that likely an automatic approval?

12 A Maybe an -- I'm thinking that's an
13 automatic approval because it's the exact --
14 literally, the exact -- and the team member
15 wouldn't have, unless they saved it, the previous
16 submission.

17 Q And then if you go to the next page that
18 is Bates Numbered 2400, in the middle, there's a
19 S-T-R-U-C-T table that starts with Task ID 32?

20 A Yes.

21 Q And then does that look like another
22 automatic approval from August 29th, 2022?

1 A Yes.

2 Q Do you know why if an employee informed
3 UVA Health that their beliefs as a Christian
4 Scientist prohibited immunization -- well, I
5 guess, is that a fair general characterization of
6 this employee's beliefs that are written here?

7 A Can you say that again?

8 Q Sure. Is it fair to summarize this
9 employee's beliefs that as a Christian Scientist,
10 they need to refuse immunization? Is that
11 generally a shortened version of what they say
12 here?

13 A Yes.

14 Q So if that was their belief in 2020, 2021,
15 or 2022 but they had received a vaccine for COVID
16 in 2021, was that a problem?

17 MS. MCGRAW: Object to the form.

18 A That was up to them whether they decide if
19 they wanted to get the vaccine.

20 Q Well, I guess my question is --

21 A They may have -- I can't say. It's
22 speculation.

244

1 Q Well, you were part of the process for
2 reviewing religious exemptions for UVA Health from
3 2019 through sometime in 2022, correct?

4 A Correct.

5 Q So just based on your understanding of
6 UVA's policies and procedures and, in fact, during
7 that time period, is it problematic that an
8 employee said in 2020 that they couldn't receive
9 vaccines and then they did receive a vaccine in
10 2021?

11 MS. MCGRAW: Object to the form.

12 A How would they know that they received a
13 vaccine in 20- -- like, we didn't go in to check
14 their submission because if this is an automatic
15 rollover, we didn't have to deal with the
16 information, and then we wouldn't know if they
17 obtained their vaccination or not.

18 Q Well, if you look at the first page of
19 Exhibit 14 --

20 A I understand that. What I'm saying is:
21 They got the approval in '20 for flu. It rolled
22 over to '21, which means we didn't have to review

Transcript of [REDACTED]
Conducted on August 27, 2024

62 (245 to 248)

245

1 anything, and then they chose on their own to go
2 and get the vaccine. We're not going to go in and
3 say, "Hey, who did we approve last year?" We went
4 on everything that was submitted.
5 Q And the 2022 approval was automatic as
6 well?
7 A These look like they are all duplicates --
8 Q Okay.
9 A -- because they roll over.
10 Q Do you know how the automatic approval --
11 A I don't.
12 Q -- was undertaken in 2022?
13 A I don't. It's done through VaxTrax and
14 the people who do that part. So I don't know how.
15 Q I thought you said in 2021 that you did
16 that?
17 MS. MCGRAW: Object to the form.
18 A For the rollover?
19 Q Yes.
20 A That I did that? No.
21 Q Okay.
22 A Anyone who got a flu vaccine approval '19,

246

1 '20, '21, they all rolled over.
2 Q Well, let's look at the page Bates labeled
3 2399.
4 A Okay.
5 Q And then the S-T-R-U-C-T box that starts
6 just near the top of that page, do you see that?
7 A Yes.
8 Q So the Changed by ID, that's you, correct?
9 A 8, yes.
10 MS. MCGRAW: Can you just tell me which
11 box you're in. Is it the middle one with the Task
12 ID 25?
13 MR. DIEHL: Yes. Yes. So the top --
14 MS. MCGRAW: And you have the cover from
15 me that told you the Task ID and what they related
16 to?
17 MR. DIEHL: Well, I'm just asking this
18 witness.
19 MS. MCGRAW: Okay. I just wanted to make
20 sure you had the information because we did
21 provide it with respect to the Task IDs.
22 MR. DIEHL: Are you done?

247

1 MS. MCGRAW: Yeah.
2 MR. DIEHL: Okay. Thanks.
3 BY MR. DIEHL:
4 Q So the Changed by ID 8, that indicates
5 that you did something in VaxTrax, fair?
6 A Correct.
7 Q So the automatic approval in 2021 was
8 approved by you, fair?
9 MS. MCGRAW: Object to the form.
10 Automatic approval of what?
11 A I mean, I must have put it in there, but
12 they were supposed to roll over. I don't recall
13 -- I didn't recall putting this in there.
14 Obviously I did, but I don't recall.
15 Q Well, just in general, in 2021, for any
16 what we've been referring to as automatic
17 approvals, were there some that you would have
18 gone into VaxTrax to automatically approve?
19 A Obviously, yes. I don't recall doing that
20 because they were supposed to roll over, but
21 obviously I did put them in there.
22 Q Do you recall anything other than this one

248

1 that we're looking at in Exhibit 14?
2 A I recall putting one in something that
3 says we were approved in Agility and rolled over,
4 but this I don't recall doing.
5 Q What's Agility?
6 A The system that held -- that Occupational
7 Health had for everybody who got the exemption,
8 their Agility list.
9 Q Okay. So just generally, what is Agility?
10 Is it an HR information system?
11 A It's an Occupational Health System. It's
12 their Agility System, not HR.
13 Q Okay. So Occupational Health is separate
14 from Human Resources?
15 A Yes. Well, today they -- no. Back then,
16 yes.
17 Q Do you know when that change occurred?
18 A I don't know. Maybe last year. It became
19 under the umbrella of HR.
20 Q In 2021, Occupational Health was separate
21 from --
22 A Correct.

Transcript of [REDACTED]
Conducted on August 27, 2024

63 (249 to 252)

249

1 Q -- Human Resources?
2 A Yes.
3 Q And did Occupational Health have any role
4 in 2021 related to the COVID vaccine requirement
5 at UVA, to your knowledge?
6 A Define -- what do you mean their role?
7 Q I don't know. I guess just --
8 MS. MCGRAW: Object to the form.
9 Q I don't know. That's my question. Did
10 any -- well, do you know -- the term "role" -- I
11 mean, role/duty --
12 A They didn't have anything to do with --
13 Q -- tasks that they performed, to your
14 knowledge.
15 A -- the religious exemption process. They
16 held the previous approvals. And so to get that
17 into VaxTrax, they had to provide us an Agility
18 list of everyone who had the approvals from the
19 previous year.
20 Q Okay. So in the previous years, in 2020,
21 when you worked on a religious exemption request
22 related to the flu vaccine and then there was an

250

1 approval, that information was then stored in
2 Agility by Occupational Health?
3 A Yes.
4 Q And then when the Religious Exemption
5 Committee was working in 2021, did the information
6 related to previous flu approvals for religious
7 exemptions -- did that information come from
8 Occupational Health and the Agility System?
9 A Their Agility list, yes.
10 Q And other than just storing the
11 information, was Agility used -- related to
12 exemptions in any way, to your knowledge?
13 A I don't know.
14 Q Let's look at the first page of Exhibit
15 14. There's a personal belief described, it looks
16 like, in the Religious Belief Comment and
17 Religious Conflict Comment boxes.
18 Do you see that?
19 A Yes. Yes.
20 Q And then it looks like if you continue
21 onto the next page, there's another box with a
22 Changed by ID of 8. That's you, right?

251

1 A On which page?
2 Q Sorry. At the bottom of the first page of
3 Exhibit 14, 2396.
4 A Oh, yes.
5 Q There's a Changed by ID of you, and then
6 that continues down where it looks like there's a
7 response in the Religious Review Comment from UVA
8 to the Personal Belief described in the previous
9 box and again repeated in the box we've been
10 looking at here that continues onto Page 2397.
11 Do you see that?
12 A Yes.
13 Q And so this person's request, based on the
14 personal belief, was denied. Is that a fair
15 reading?
16 A Yes.
17 Q So then it looks like 18 days later, the
18 Requestor goes in and then puts in this
19 description or provides this description in the
20 Religious Belief Comment and the Religious
21 Conflict Comment about Christian Science?
22 A Yes.

252

1 Q And then that was approved?
2 A Yes.
3 Q And the information provided in the
4 Religious Belief Comment and Religious Conflict
5 Comment, was that sufficient to you to find this
6 person had a sincerely-held religious belief?
7 A At the time, I assume so. I can't tell
8 you today. That's in 2020. It got approved.
9 Q Well, if you look at the next box, the
10 next task --
11 A It says, "Approved."
12 Q And that was approved by you because
13 Changed by ID was 8?
14 A Yes.
15 Q Okay. So, as you sit here today, that's
16 enough to -- would you change your decision today?
17 MS. MCGRAW: Object to the form.
18 A I'm not on the committee today.
19 Q Well, that's not my question.
20 A I'm not on the committee today.
21 Q I mean, if you were?
22 MS. MCGRAW: Object to the form.

Transcript of [REDACTED]
Conducted on August 27, 2024

64 (253 to 256)

253

255

1 A I'm not --
2 MS. MCGRAW: Calls for speculation.
3 THE WITNESS: Sorry.
4 A I'm not in the headspace for reviewing as
5 religious exemptions. So I don't know what I
6 would do today.
7 Q Well, as you read this -- and take your
8 time. As you read this -- and then it looks like
9 the communication from you through ImmunizeUVA is
10 "Your request for religious exemption was
11 approved. You've been marked as compliant."
12 Do you see that?
13 A I do.
14 Q And so, as you sit here today and you read
15 the Religious Beliefs and Comment -- Religious
16 Conflicts summarized there, was your decision
17 wrong?
18 MS. MCGRAW: Object to the form.
19 Mischaracterizes.
20 A I'm not saying my decision was right or
21 wrong. The decision was made in 2020. They were
22 approved. I'm not certain what

254

1 Q Well, I'm asking -- let me ask you the
2 question: Do you believe that decision was wrong?
3 A That would be my belief, but does -- no.
4 I don't believe the decision was wrong.
5 Q And if you were aware in 2022 -- and,
6 again, I don't know whether you were, and I think
7 you testified you don't know who did the automatic
8 approval or whether anyone considered the
9 automatic approval from 2022 -- do you think that
10 UVA, based on your experience and training related
11 to religious exemption requests, should have
12 considered the fact that the person had indicated
13 earlier in 2020 that they had beliefs that
14 prevented immunization and then in 2021 they
15 received the COVID vaccine?
16 MS. MCGRAW: Object to the form. Calls
17 for speculation. Calls for a legal conclusion.
18 A No. I can't answer that.
19 Q Well, I'm not asking you as a lawyer.
20 A Aren't you there as an attorney? You are
21 asking me as an attorney.
22 Q Well, I guess -- that's a good point. I'm

1 not asking -- I'm not saying you're a lawyer or
2 that you should give me a legal answer. How is
3 that? Does that make more sense?
4 A But then you want my opinion.
5 Q Correct.
6 A But I thought this was about facts?
7 Q Well, it's a fact that you were in charge
8 of reviewing religious accommodations in 2019 and
9 2020, correct?
10 A Yes.
11 Q And then you were also a part of the
12 process in 2021, correct?
13 A Yes.
14 Q Okay. So do you think it should have been
15 relevant, based on that experience and that
16 training, for UVA in 2022 to have considered the
17 fact that in 2021 this person received a vaccine
18 and then they were being automatically approved
19 for an exemption based on beliefs that seemed to
20 indicate that they shouldn't receive vaccines?
21 MS. MCGRAW: Object to the form. Calls
22 for speculation. Calls for a legal conclusion.

256

1 A Yeah. I can't say whether UVA should have
2 done that. Again, we weren't going back to review
3 them. So I can't say that.
4 Q Well, in 2021, when you were part of the
5 review process for religious exemptions related to
6 the COVID vaccine, it's fair to say that it was
7 relevant to the committee that an individual had
8 received the flu vaccine in 2020, for example,
9 correct?
10 A This was reviewed and approved in 2020.
11 So what are you asking me?
12 Q I'm asking you a different question.
13 A That's what I just said. What are you
14 asking me?
15 Q Okay. So in 2021, when you were part of
16 the committee reviewing religious exemption
17 requests, am I correct that it was relevant to you
18 and other members of the committee that a person
19 had received the flu vaccine in 2020 and now was
20 requesting the COVID vaccine in 2021?
21 MS. MCGRAW: Object to the form.
22 A I'm confused because I don't see where

Transcript of [REDACTED]
Conducted on August 27, 2024

65 (257 to 260)

257

259

1 they requested the COVID vaccine.
2 Q I'm not asking about this specific person.
3 So maybe it would be helpful if we set that down.
4 A Okay.
5 Q And I'm just asking -- so put it this way:
6 We already talked about this -- and in 2021, if an
7 individual had received a religious exemption in
8 2020 related to the flu vaccine, they would be
9 automatically approved for the COVID vaccine?
10 A Correct.
11 Q Okay. So the reverse was true that if
12 they had received the COVID -- or excuse me. Let
13 me start that over.
14 The reverse was true that if they had
15 received the flu vaccine in 2020, they didn't get
16 automatic approval in 2021?
17 A Correct.
18 Q And so was that a valid consideration
19 based on your knowledge of the process and what
20 should occur now?
21 MS. MCGRAW: Object to the form.
22 A I'm not understanding your question

258

1 because if they were denied -- are you saying is
2 it valid to have them reapply? So I'm not
3 understanding what you're asking me.
4 Q Sure. So when you reviewed requests for
5 religious exemption in 2021 related to the COVID
6 vaccine, was it relevant to that review that the
7 person had received the flu vaccine in 2020?
8 A Yes. We would look at it to see if they
9 received it, yes, but it didn't determine because
10 they may state that it was one vaccine versus the
11 other.
12 Q Do you recall any person that was approved
13 for a religious exemption related to the COVID
14 vaccine that had received the flu vaccine in 2020?
15 A I can't recall who had what.
16 Q Well, do you recall if anyone was
17 approved?
18 A I can't recall. If anyone was approved?
19 Yes. People were approved.
20 Q In that -- well, specific to the question
21 of whether individuals were approved in 2021 for
22 an exemption for the COVID vaccine, do you recall

1 a single person -- and I'm not -- let me just
2 caveat this with a couple things because we keep
3 -- we're having some misunderstanding here, and I
4 want to try to make my questions clear.
5 So I'm asking about a person that had
6 received the COVID vaccine -- excuse me. Now I'm
7 confusing myself.
8 I'm asking about a person that received
9 the flu vaccine in 2020 and had not made a
10 religious exemption request and then requested a
11 religious exemption related to the COVID vaccine
12 in 2021. Do you recall any person like that that
13 was approved for a COVID vaccine religious
14 exemption?
15 A I don't recall.
16 MS. MCGRAW: Is this a good time for a
17 short break?
18 MR. DIEHL: Sure.
19 (Whereupon, a recess was taken.)
20 BY MR. DIEHL:
21 Q All right. We're back on the record after
22 a short break. Do you recall that there were --

260

1 that one or more employees raised concerns with
2 the EEOC related to the religious exemption
3 process related to the flu vaccine in either 2019
4 or 2020?
5 A Yes.
6 Q What was the concern that was raised?
7 A I don't remember what the concern was. I
8 just remember that there was issues or people that
9 went to EOCR.
10 MS. MCGRAW: And I'm going to caution the
11 witness not to reveal any discussions with counsel
12 regarding those matters.
13 Q Well, you were in charge of the exemption
14 review process in 2019 and 2020; is that fair?
15 A Yes.
16 Q And so you don't know what was alleged
17 that was wrong?
18 A Probably because they got a denial. I
19 don't know what was said to EOCR.
20 Q I'm talking about the Equal Employment
21 Opportunity Commission.
22 A Right. EOCR. I don't know what the team

Transcript of [REDACTED]
Conducted on August 27, 2024

66 (261 to 264)

261

1 members went to them about. I can only assume of
2 their denial.
3 Q I guess I'm not asking for anything -- any
4 legal advice, but did you provide factual
5 information to the EEOC?
6 A I don't remember what I did in 2019 with
7 EEOCR.
8 MS. MCGRAW: I think he's asking about
9 EEOC and --
10 MR. DIEHL: Yes.
11 MS. MCGRAW: -- you're responding with --
12 THE WITNESS: Well, I didn't do anything
13 with EEOC. Mine was all EOCR.
14 Q Okay. Okay. That's helpful.
15 What is EOCR?
16 A Equal Opportunity -- God, I forget what
17 all their acronyms are, but that's at UVA. EOCR.
18 Q Okay. That's helpful.
19 A Sorry. I didn't do anything with --
20 Q No, no.
21 A Okay.
22 Q So let me start over. EOCR is an office

262

1 of some kind at UVA?
2 A Yes.
3 Q And it's related to equal employment
4 opportunities --
5 A Yes.
6 Q -- or has duties related to equal
7 employment opportunities?
8 And at some point in -- well, I guess at
9 some point an employee raised concerns about the
10 religious exemption review process in 2019 or
11 2020; is that correct?
12 A Yes.
13 Q And those concerns were raised with the
14 EEOCR at UVA?
15 MS. MCGRAW: One E.
16 A One E.
17 Q Oh.
18 A That I'm aware of, yes.
19 Q EOCR?
20 A EOCR.
21 Q And are you aware of concerns that were
22 raised to the federal agency, the Equal

263

1 Opportunity Commission, EEOC?
2 A I remember sitting in on an interview over
3 a phone, and I think that was with EE --
4 Q -- OC.
5 A -- OC. I can't recall. It was so long
6 ago.
7 Q So an investigator or someone from the
8 EEOC?
9 A Someone. Yeah. I'm assuming it was EEOC.
10 I can't tell you when. I just remember it
11 was
12 Q Do you remember if concerns were raised by
13 one employee or more than one employee?
14 A I don't even think they gave that
15 information. I don't recall.
16 Q And do you know what the -- well, what was
17 the process that you were interviewed with respect
18 to the -- well, the interview -- let me just make
19 this clear because now I'm confusing myself with
20 the different acronyms.
21 You were interviewed by someone from the
22 federal agency, EEOC?

264

1 A I believe so.
2 Q Okay. And then was there any process that
3 you're aware related to the UVA EE -- one E -- the
4 UVA EOCR process that you mentioned?
5 A Was there a process? What do you mean "a
6 process"? With me and them?
7 Q So let me just ask -- break it down.
8 There's a concern raised with the UVA EOCR?
9 A I remember an employee of EOCR reached out
10 to talk about or to tell me about some type of
11 complaints. I don't recall what it was about,
12 when it was. I remember being in a room and
13 answering questions on a phone. That's all I
14 remember. I can't tell you what it was about.
15 Q Okay. So did the person from EOCR -- did
16 that person somehow work with you related to the
17 federal EEOC interview that we discussed?
18 A I don't remember. I just know that it was
19 myself, Melissa Riley on the telephone, and I
20 honestly don't remember. I'm just
21 Q And just -- do you remember anything about
22 the topic that -- topic or topics that was

Transcript of [REDACTED]
Conducted on August 27, 2024

67 (265 to 268)

265
1 discussed with you in that interview?
2 **A I don't.**
3 Q Well, was it related to the religious
4 exemption review process?
5 **A Yes.**
6 Q Do you know if that interview was
7 recorded?
8 **A I don't know.**
9 Q In 2021, I believe you testified that you
10 used a phone to communicate with people and then
11 you also used the Teams application as well as
12 Zoom?
13 **A When you say "communicate with people,"**
14 **which people? Not the team members that submit**
15 **religious exemption, just people in general?**
16 Q Yeah. I'm just talking about in general
17 at work, while working for UVA, the means of
18 communication that you used to communicate with
19 others related to work, that would have included
20 Teams, correct?
21 **A Yes.**
22 Q And that would have included Zoom?

266
1 **A Yes.**
2 Q And in Teams, there's the Teams chat
3 feature?
4 **A Yes.**
5 Q And then there's the videoconferencing
6 feature as well? Are you aware of that?
7 **A Yes.**
8 Q And so would you use both of those?
9 **A Yes.**
10 Q And have you ever sent a text message
11 related to your job with UVA?
12 **A A text message related to my job?**
13 Q Well, as part of your job or trying to
14 communicate with someone related to work in
15 relation to your job for UVA.
16 MS. MCGRAW: Object to the form.
17 Overbroad.
18 **A I may have texted or replied to a text**
19 **with a couple of people, but I don't know if it's,**
20 **like, to my job because I try not to use my**
21 **personal phone.**
22 Q But even if you're trying not to, I'm just

267
1 saying: Have you -- I'm asking: Have you texted
2 with co-workers from UVA?
3 **A Yes.**
4 Q And have you texted about, at some point,
5 work-related matters?
6 **A Yes.**
7 Q And have you used the Team chat feature to
8 discuss work-related matters with others that work
9 with UVA?
10 **A Yes.**
11 Q Do you know if you've ever sent a Teams
12 chat message related to any -- anything related to
13 a religious exemption of the religious exemption
14 review process?
15 **A I know that there was a group -- a group**
16 **channel for religious exemption partners that we**
17 **would use.**
18 Q And was that in Teams?
19 **A Yes.**
20 Q And when you're -- have you used the Zoom
21 application for meetings online?
22 **A That's -- how we meet in general or**

268
1 **like --**
2 Q At work.
3 **A Specify. Like, are you asking about COVID**
4 **or --**
5 Q No. I'm just asking --
6 **A -- just in general? Yes.**
7 Q -- in general at work, Zoom.
8 **A Yes.**
9 Q And you've used that for meetings --
10 **A Yes.**
11 Q -- related to your job with UVA?
12 **A Yes.**
13 Q And you understand that there's a chat
14 feature in Zoom --
15 **A Yes.**
16 Q -- where you can chat with either the
17 whole group or with individuals --
18 **A Yes.**
19 Q -- as part of a Zoom meeting?
20 **A Yes.**
21 Q And have you used that chat feature at
22 some point related to a Zoom meeting?

Transcript of [REDACTED]
Conducted on August 27, 2024

68 (269 to 272)

269
1 **A Yes.**
2 Q And you indicated you were not issued a
3 cell phone by UVA at any point?
4 **A Correct.**
5 Q And what's your e-mail address for UVA?
6 **A [REDACTED]**
7 Q And has that been your -- how long has
8 that been your e-mail address?
9 **A 21 years.**
10 Q And then have you used any other e-mail
11 address to communicate with -- well, have you used
12 any other e-mail address to communicate about your
13 job for UVA?
14 **A Have I used any other -- no. I guess I'm**
15 **not understanding.**
16 Q Well, do you have a personal e-mail
17 address?
18 **A I do.**
19 Q Have you ever talked about your job and
20 your work for UVA through that personal e-mail
21 address?
22 MS. MCGRAW: Object to the form.

270
1 **A I mean, if I've -- I don't think I've**
2 **talked about my job through that e-mail address,**
3 **no.**
4 Q Never?
5 **A I believe I've applied to positions using**
6 **my personal e-mail. I hardly ever use my personal**
7 **e-mail.**
8 MR. DIEHL: Can we just take a short
9 break?
10 MS. MCGRAW: Okay.
11 (Whereupon, a recess was taken.)
12 BY MR. DIEHL:
13 Q If you could take a look at Exhibit 15.
14 (Whereupon, Exhibit 15 was marked for
15 identification.)
16 Q This is another VaxTrax record related to
17 an employee who's been given the ID 423.
18 Do you see that?
19 **A Yes.**
20 Q And feel free to look through this
21 document, but it does not appear that this
22 individual -- that there's anything in VaxTrax

271
1 related to a religious exemption related to the
2 flu vaccine from 2019 or 2020. Do you see
3 anything related to 2019 or 2020?
4 **A No.**
5 Q And when we've looked at the other VaxTrax
6 records, it appeared that if there was an
7 exemption request from 2019 or 2020 related to the
8 flu vaccine those -- there were records related to
9 that in some of the other VaxTrax records we
10 looked at earlier?
11 MS. MCGRAW: Object to the form.
12 Q Do you recall that?
13 **A Yes, I recall.**
14 Q And so based on what you know, does it
15 seem likely that this person had not been approved
16 for a flu vaccine religious exemption in 2019 or
17 2020?
18 **A I would suspect they did not since it's**
19 **not here, but I don't -- I can't say.**
20 Q Do you have any idea who Changed by ID
21 17192 would be?
22 **A I do not. Where is that?**

272
1 Q On the second page --
2 **A Oh, I see.**
3 Q -- there's a Changed by ID there.
4 **A I do not.**
5 Q It looks like, based on the Religious
6 Belief Comment and Religious Conflict Comment
7 information that was provided by the applicant --
8 by the employee who was applying for religious
9 exemption, this request was approved in September
10 of 2021. Is that how you read the VaxTrax
11 information on the top of Page Bates Label 2673?
12 **A Yes.**
13 Q That's a sufficient amount of information
14 to approve a vaccine request based on -- or
15 vaccine exemption request based on your
16 understanding of UVA's process?
17 MS. MCGRAW: Object to the form.
18 **A I didn't approve this one. So I --**
19 Q If you were the reviewer, would this have
20 been an appropriate approval based on your
21 understanding of the process in place by UVA in
22 2021?

Transcript of [REDACTED]
Conducted on August 27, 2024

69 (273 to 276)

273
1 **A I can't say how I would have approved in**
2 **2021.**
3 Q What was that? Sorry. I didn't hear you.
4 **A I said: I can't say -- I don't know how I**
5 **would have approved it in 2021 if I was reviewing**
6 **it. I don't know how the decision would have been**
7 **made.**
8 Q It may have been approved or it may not
9 have been?
10 **A Yes.**
11 Q But it looks like from the VaxTrax records
12 that this was, in fact, approved?
13 **A Yes.**
14 Q In 2021?
15 **A Yes.**
16 MR. DIEHL: No further questions.
17 MR. KIRSNER: I do not have any questions.
18 I just want to make a statement on the record that
19 [REDACTED] appearance today has been subject to
20 the parties' prior agreement --
21 THE REPORTER: Hold on. Sorry. I can't
22 hear you.

274
1 MR. KIRSNER: [REDACTED] appearance today is
2 subject to the parties' prior agreement regarding
3 the confidentiality of the identities of the
4 senior Human Resources business professionals who
5 served on the committee. We ask that counsel
6 please conduct themselves accordingly when trying
7 to use or designating any portions of the
8 transcript.
9 Further, [REDACTED], you'll have an
10 opportunity to review your transcript, note in the
11 errata, and then return it to the reporter. We
12 recommend that you avail yourself with that option
13 when we present the transcript to you.
14 THE WITNESS: Okay.
15 MR. DIEHL: And based on that comment, I
16 need to ask you a quick couple of questions.
17 EXAMINATION
18 BY MR. DIEHL:
19 Q [REDACTED] is anyone aware other than
20 members of the committee that you were a member of
21 the Religious Exemption Committee in 2021?
22 **A In 2021, not that I'm aware of. I know**

275
1 **previously, in '19 and '20, individuals knew that**
2 **I was part of the committee.**
3 Q Did other Human Resources personnel at UVA
4 that were not on the committee know that you were
5 on the committee --
6 **A Yes.**
7 Q -- in 2021?
8 **A Yes.**
9 Q Do you know how they would have known?
10 **A There were some project manager**
11 **individuals outside of this committee that would**
12 **reach out. I think they were also aware of**
13 **everyone that was on the committee within HR. I**
14 **don't think anyone outside of HR, EOOCR including,**
15 **was aware.**
16 Q Have you received any threats, or has
17 anyone made threats to you related to your
18 participation on the Religious Exemption Committee
19 in 2021?
20 **A In 2021?**
21 Q Yes.
22 **A I don't think it was 2021. I have not had**

276
1 **immediate threats. I've had an individual who was**
2 **denied go to all three different what was known as**
3 **HR buildings, looking for me. No phone call to**
4 **try to reach out to me. No e-mail "Hey, can we**
5 **meet?" Nothing. And this individual had all of**
6 **my information. But they were looking for me, and**
7 **that made me uneasy. It was a male, and I didn't**
8 **understand why he was going around looking for me;**
9 **but, yeah, he did not try to reach out to me.**
10 Q What year was that?
11 **A It was either '19 or '20. I can't**
12 **remember exactly the year. I want to say possibly**
13 **'19, but it's '19 or '20.**
14 Q That's when your role as a reviewer of
15 religious exemption requests was not confidential?
16 **A Somehow he knew it was me. He said --**
17 **well, the role was always supposed to have been**
18 **confidential, and then sometimes I would forget**
19 **and put my name on it, but this individual -- I**
20 **don't know whether they just looked at my user ID**
21 **-- because we went back and forth outside of the**
22 **main process -- it was in the UVA Health e-mail**

Transcript of [REDACTED]
Conducted on August 27, 2024

70 (277 to 280)

1 address. So this individual knew my name.

2 Q And did I hear you correctly that that
3 individual tried to find you, but you're not aware
4 that that individual made any threat?

5 A Correct.

6 Q So you don't know whether they just wanted
7 to talk -- that person just wanted to talk about
8 their request or whether they were --

9 A Correct.

10 Q -- something more nefarious?

11 A Correct.

12 MR. DIEHL: No further questions.

13 EXAMINATION

14 BY MR. KIRSNER:

15 Q [REDACTED] did you, in fact, feel
16 threatened by this individual attempting to reach
17 out to you at multiple office locations?

18 A I did. It made me uneasy because I felt
19 like he had all my information. He could have
20 tried to contact by e-mail, phone call. Instead
21 you were just going to different buildings. It
22 did make me uneasy.

278

1 Q [REDACTED], do you remember reviewing --
2 helping to prepare and then signing a declaration
3 for filing in this action?

4 A Yes.

5 Q And do you stand by that declaration as
6 true and correct today just as the day you signed
7 it?

8 A Yes.

9 MR. KIRSNER: Thank you.

10 MR. DIEHL: We're done early.

11 (Off the record at 4:13 p.m.)
12
13
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1 ACKNOWLEDGMENT OF DEPONENT

2 I, [REDACTED], do hereby acknowledge
3 that I have read and examined the foregoing
4 testimony, and the same is a true, correct and
5 complete transcription of the testimony given by
6 me and any corrections appear on the attached
7 Errata sheet signed by me.
8
9

10 _____
11 (DATE) (SIGNATURE)

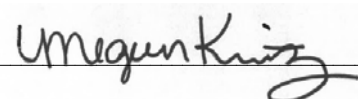
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1 CERTIFICATE OF SHORTHAND REPORTER-NOTARY PUBLIC

2 I, Megan Kurwitz, the officer before whom
3 the foregoing deposition was taken, do hereby
4 certify that the foregoing transcript is a true
5 and correct record of the testimony given; that
6 said testimony was taken by me stenographically
7 and thereafter reduced to typewriting under my
8 direction; that reading and signing was
9 requested; and that I am neither counsel for,
10 related to, nor employed by any of the parties to
11 this case and have no interest, financial or
12 otherwise, in its outcome.

13 IN WITNESS WHEREOF, I have hereunto set my hand
14 and affixed my notarial seal this 10th day of
15 September, 2024.
16

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